

# Empty Homes Strategy

## 2006 – 2009

The Council's approach  
to long-term empty homes



2003-2004  
Quality of the Built Environment

Chelmsford  
BOROUGH COUNCIL



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# I Introduction

## **1.1 What are empty homes?**

For a housing market to operate, it is necessary for a proportion of properties to be empty to enable transfer of ownership. Generally, these properties are empty for a short period of time, usually less than 6 months. These properties are not a problem, as they have an intended use, and steps have been taken to achieve this. The scope of this strategy is those properties that have been empty for longer than the transactional period of 6 months and that are not being brought back into use. Second homes are not classified as empty homes and are registered separately with Council Tax so are not included within this strategy.

## **1.2 Problems associated with empty homes**

Long-term empty homes represent a wasted resource, and cause a number of problems for the owner and the surrounding neighbourhood:

- Waste of a property that could provide an additional home in an area of high housing need
- Attract crime and anti-social behaviour
- Reduce the value of surrounding properties
- Are an eyesore in the neighbourhood
- Costly for the owner to maintain
- Costly for the Local Authority to investigate

## **1.3 Benefits of returning empty properties to use**

Returning an empty home to use has benefits for everyone in the area:

- Provides additional housing
- Reduces crime and vandalism in the area
- Regenerates the area
- Reduces the need for new developments
- Unlocks potential capital for the owner

There are clear economic and social benefits to bringing empty homes back into use. The quickest and most cost effective way to reduce the negative impact of any empty home is to occupy it; therefore, this is the focus of this strategy.

# 2 Objectives

## 2.1 Key Aim

The key aim of the strategy is:

*To return long-term empty homes to use in the most appropriate way in the shortest possible timescale.*

In doing so it will support Chelmsford Borough Council's core values to which the Council has a corporate commitment (see appendix 4):

- Making efficient use of resources
- Working in partnership
- Engaging the Local Community
- Delivering quality services which meet local needs
- Working to provide equality of opportunity in access to services

In addition it will also support the following aims identified under the Beacon Status award for Quality of the Built Environment:

- Minimising Greenfield development
- Improving the existing built environment
- Ensure housing needs met across tenures
- Ensure economic stability of rural communities and economic development and growth of urban communities

## 2.2 Key Objectives

The key aim will be achieved by working towards five key objectives:

- **Prevent properties from becoming long-term empty** – through pro-active engagement with owners to support and assist in identifying the most appropriate use for the property.
- **Raise awareness of empty homes in Chelmsford** – through effective publicity of empty homes work and marketing of the service to encourage members of the public to report vacant properties in their area, and to encourage owners of empty properties to approach the Council for assistance.
- **Improve recording of empty properties** – by creating a database that is updated monthly with data from Council tax to enable identification of long-term empty properties at the earliest opportunity and establishing one contact point for all empty property queries.

- **Develop partnership working across the Council to co-ordinate work on empty homes** – by creating a working group of the main services across the Council involved in empty homes to facilitate problem solving and joined up working on cases.
- **Investigate and pursue opportunities to work with Registered Social Landlords (RSLs) to develop programmes to purchase and develop empty properties as affordable housing** – by researching external funding opportunities and initiating discussion of empty properties with RSL partners.

# 3 National and Local Context

## 3.1 National Picture

The Government has highlighted empty homes as an issue for action through development of key Best Value Performance Indicator 64.

The current guidance from the Department for Communities and Local Government (DCLG, formerly ODPM), on the scope of BVPI64 is the number of private vacant dwellings that are returned into occupation or demolished as a direct result of action by the local authority. An authority should include any dwelling that it considers was re-occupied or demolished during the year directly as a result of action it undertook or initiated.

In addition, the Government response to the Barker Report “Delivering Stability: Securing Our Future Needs” identifies a commitment to empty homes as a real alternative to developing Greenfield sites and recent changes in legislation have represented a greater determination to tackle the issue of empty homes, with the introduction of new powers for Local Authorities to tackle empty homes through the use of Empty Dwelling Management Orders (EDMOs), which are effective from July 2006.

The Empty Homes Agency is an independent campaigning charity, which works with local authorities and the Government to highlight the issue of empty homes and help develop strategies for returning them to use across England. It was established in 1992 and since that time has been successful in assisting to highlight empty homes as an untapped resource.

In its manifesto for 2005 the Empty Homes Agency states that there are 689,675 empty homes across England. 80% of these are in the private sector, of which 300,000 are long-term empty, i.e. more than 6 months.

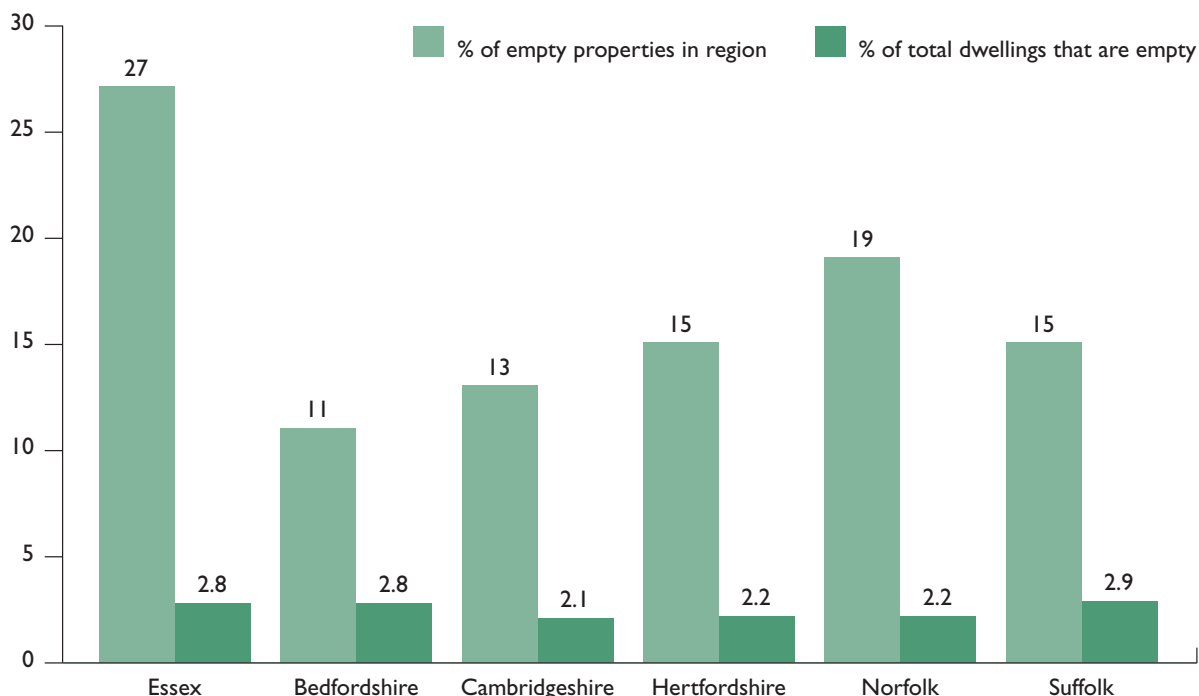
Public awareness has also increased in recent years with growing emphasis on the development of Greenfield sites, and a buoyant housing market which has led to an increase in demand for affordable housing, highlighting empty homes as a wasted resource. In addition, in the last 12 months, a number of property television programmes have focussed on empty properties as an alternative route onto the housing ladder, particularly for first time buyers and young families.

All of these factors combined have pushed empty homes up the national agenda.

### 3.2 Regional Picture

As of 31st March 2005 the East of England was reported as having approximately 56,600 empty homes across all tenures, with 25,000 (44%) of those being in the private sector and having remained empty for more than 6 months.

The distribution of empty homes across the counties of the East of England is as follows:



Although compared to other regions of the country, for example North of England Pathfinder areas, this figure is not high, Essex has the highest percentage of the total empty homes in the region, and 2.8% of the total number of dwellings in Essex are empty homes, which represents a significant wasted resource in an area of high housing demand.

The Regional Housing Strategy 2005-2010 sets out the region's commitment to returning empty homes to use as part of their overall aim of ensuring that everyone can live in a decent home at a price they can afford in locations that are sustainable.

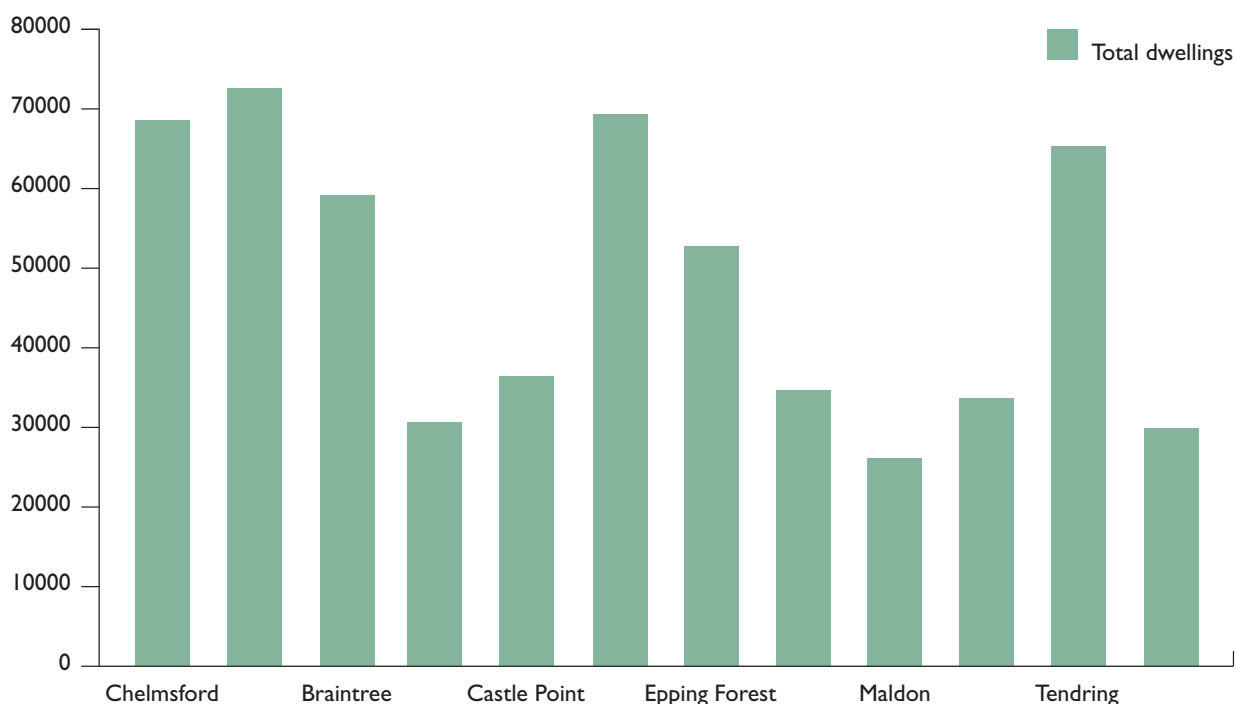
The Strategy suggests that local housing authorities should:

- Maintain an up to date register of empty homes
- Develop a proactive approach to bringing empty homes back into use
- Work with housing associations with specialist knowledge in the use of empty homes
- Develop empty homes charters to raise awareness of the issue
- Work across boundary with neighbouring authorities to tackle the problem

To encourage cross-boundary working an East of England Empty Homes Task Group has been formed with each of the 9 Sub-regions represented, at which Chelmsford is the representative for the London Commuter Belt sub-region. The purpose of the group is to contribute towards achieving the action points in the RHS and to provide advice on empty homes issues as a sub-group of the Regional Housing Delivery Group.

### 3.3 Local Picture

Statistics taken from the East of England Housing Investment Programme (HIP) Return Statistics for April 2006 identify Chelmsford as having the third highest number of total residential dwellings in the County.



However, Housing Investment Programme (HIP) Return Statistics for 2006 on the number of long-term empty homes in each local authority area in the County indicate that Chelmsford is in the lower quartile for the percentage of total dwellings that are long-term empty.

Local Authority	Percentage of total dwellings empty for more than 6 months
Epping Forest	1.8%
Tendring	1.8%
Uttlesford	1.8%
Castle Point	1.6%
Rochford	1.4%
Braintree	1.3%
Brentwood	1.3%
Maldon	1.2%
Chelmsford	0.8%
Colchester	0.7%
Basildon	0.6%
Harlow	0.08%

Data is not currently available on the triggers that result in more empty homes in some areas than others, however, the MORI survey undertaken in 2005 does give some clues and sub-regional and regional working between local authorities in the East of England will help to develop a more detailed understanding of the empty homes profile across all areas.

In Chelmsford, as at 9th November 2006 there were 71,910 total dwellings.

The Empty Property profile was as follows:

- 1,637 Total Empty Dwellings
  - 1,446 in the private sector
  - 191 in the public sector

Of the 1,446 in the private sector, 433 had been empty for more than 6 months as at 9 November 2006. Of the 191 public sector empty properties, 127 had been empty for more than 6 months at 9th November 2006.

88% of the total number of empty properties are in the private sector. 34% of the total numbers of empty properties have been empty for more than 6 months.

Analysis of the distribution of long-term empty properties by ward indicates the largest proportion are in Moulsham and Central (70); South Hanningfield, Stock and Margaretting (53); Little Baddow, Danbury and Sandon (45); and Trinity (44). (see appendix 6 for full listings and appendix 7 for mapping of empty property distribution) These wards contain significantly above average numbers of long-term empty properties. Statistical analysis of these areas provides the following profiles:

**Moulsham & Central:** Moulsham and Central has a high proportion of private rented properties, with the majority of households being single people. The highest proportion of residents in Moulsham & Central are aged 20-44. This may indicate that the high proportion of empty properties are those that are awaiting repair or renovation work by the relevant landlord, investment properties that require renovation before they can be let out, or properties that are difficult to let.

**South Hanningfield, Stock and Margaretting:** The highest proportion of empty properties in South Hanningfield, Stock and Margaretting are registered with council tax as "unoccupied property awaiting probate or letters of administration to be granted". The majority of properties are owner occupied with a mortgage, and the majority of households are married couple with no children. The largest age group is 45-64. However, 28% of households are all pensioner households, which may indicate that the majority of empty properties are due to the death of the owner.

**South Woodham Chetwood and Collingwood:** The majority of properties in South Woodham Chetwood and Collingwood are standard non-exempt. However, 69% of the long-term empty properties are owned by one private developer and are awaiting redevelopment. Of the remaining 11 properties, only 6 have been empty for less than 12 months and are registered as standard empties, which may indicate that they are transactional empties, i.e. in the process of being sold or let. The population profile for South Woodham Chetwood and Collingwood indicates that the largest age group is 20-44 and the majority of households are married couples with no children, which may support a high number of transactional empty properties.

Sufficient data is not available at this time to draw accurate conclusions for the reasons for the distribution of empty properties. However, analysis of ward distribution will be undertaken as part of quarterly monitoring of empty properties, which will include analysis of individual empty properties drawn together through investigation, in conjunction with ward profiles (see section 7.7 for further details on monitoring.

# 4 Why homes are left empty – Chelmsford profile

## 4.1 MORI Questionnaire

In summer 2005 Chelmsford took part in a regional survey of empty properties conducted by MORI, which was commissioned by GO-East with the aim of establishing the reasons for long-term privately owned empty properties, and to identify any obstacles that exist to returning properties to use.

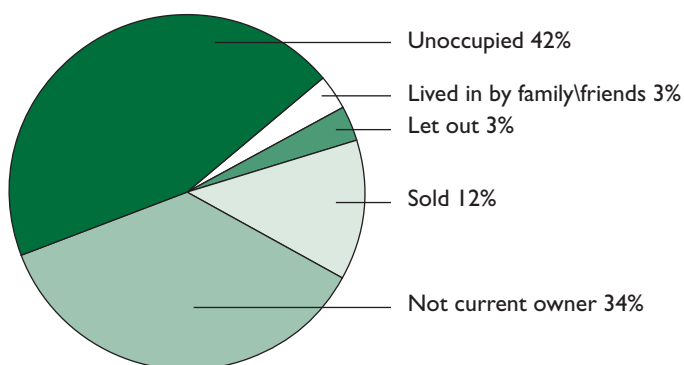
The results of this strategy have been used to tailor a toolkit to return properties to use that is appropriate for the local profile.

Chelmsford Borough Council provided MORI with a list of properties vacant for more than 6 months identified from Council Tax. MORI then used this data to select all owners with a UK address. The survey was conducted via postal questionnaires, which were distributed by MORI in August 2005. 354 properties were included in the survey with 134 responses returned, which represents a response rate of 38%.

## 4.2 Results

Below is a summary of the survey results for Chelmsford. It should be noted that the returned questionnaires are only a sample, so not all results are statistically significant, however, the sample is sufficient to be considered representative.

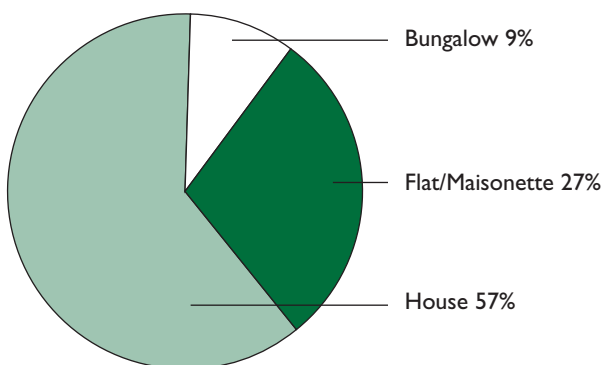
58% of respondents stated that either they are not the current owner of the property, or that the property has been brought back into use.



The majority of respondents stated that they were no longer the owner of the property, which may be due to a delay in data being submitted to MORI and the questionnaire being mailed out. However, it highlighted a need for the recording process to be reviewed. (Reference 8.1)

Further analysis of these results indicates that properties that had been sold were more likely to have been empty for a shorter period, whereas those classified as very long-term, i.e. more than 1 year, tended to have been let. This may indicate that a number of the properties recorded as empty on the database supplied for the survey were “transactional” empties, i.e. empty whilst waiting for transfer of ownership to complete following a sale.

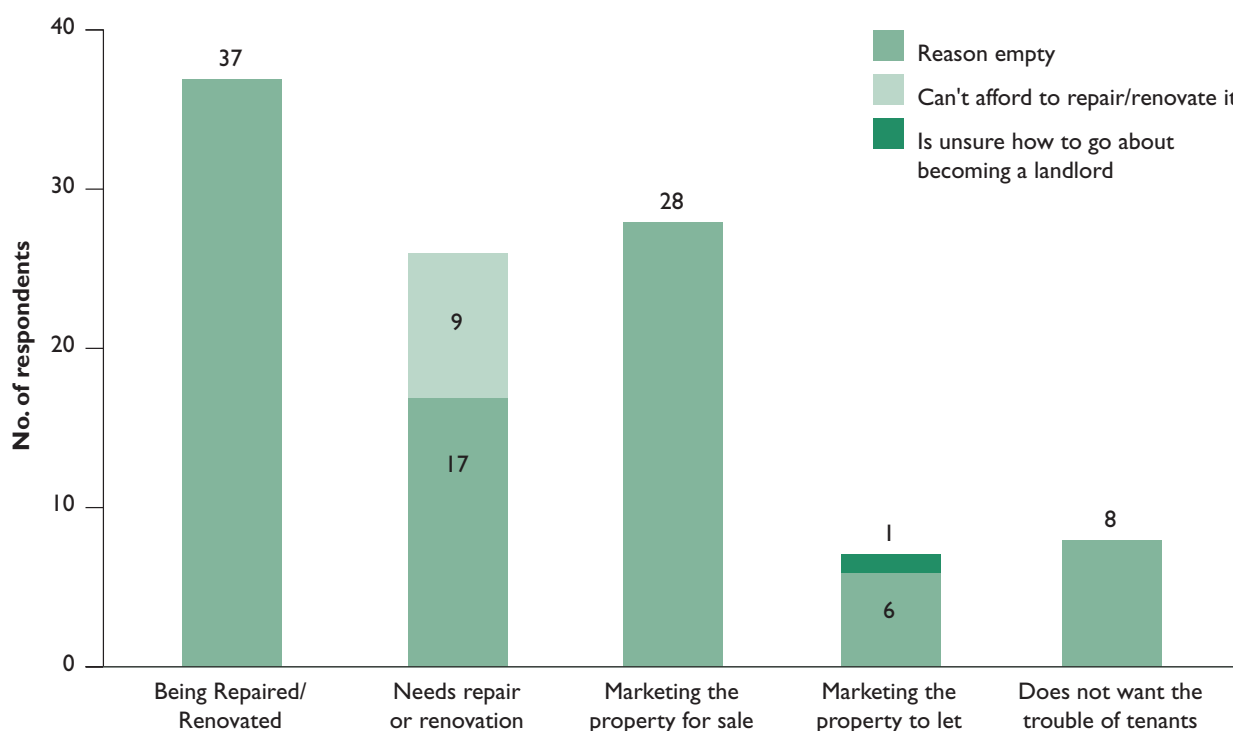
The types of property most likely to become empty match the housing type demographic for the area, with the majority of properties being houses:



Of the 57% empty houses 75% are in the higher Council Tax bands, D to H. Flats and Maisonettes were more likely to be in the lowest bands.

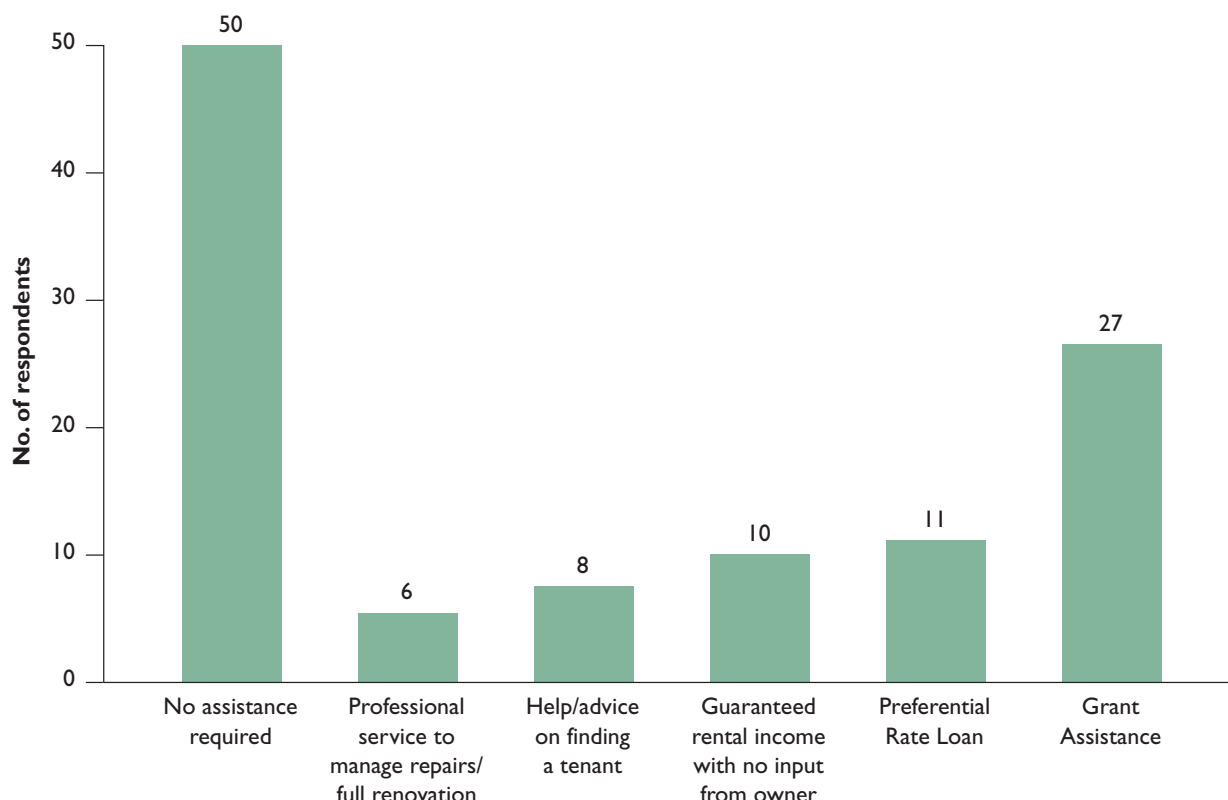
In line with the above findings, 46% of properties comprised 5 or more rooms, excluding kitchens and bathrooms. 36% comprised 1 to 3 rooms. 7% of properties were recorded as attached to commercial premises.

Owners who confirmed their property as vacant at the time of completing the questionnaire were asked to identify the main reason for it being empty. The majority cited repair or renovation work as the primary reason:



Linked to this, owners were asked to rate the condition of their property, 63% rated it as very good or fairly good, with only 21% rating their property as poor or very poor. These results are as expected, as the majority of properties on the list had been empty for less than 12 months, therefore, it is unlikely that they will have fallen into serious disrepair, suggesting that it is likely that the majority of properties will require only minor or aesthetic renovation. This highlights a need to contact owners at an early stage to prevent properties falling into serious disrepair and aiming to avoid the return to use becoming complicated by the need for extensive renovation.

To assist with the development of a toolkit, owners were consulted on assistance that they would find useful in returning their property to use:

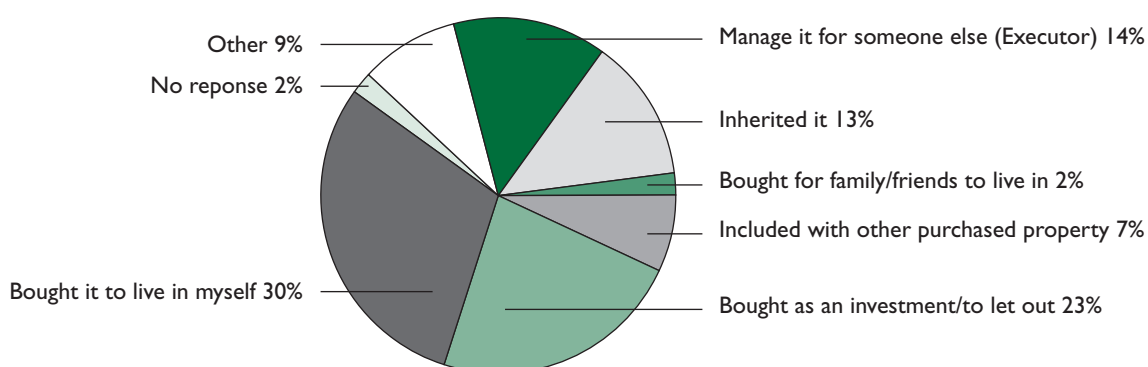


50% of owners did not want assistance with returning their property to use. This may indicate a number of issues, owners do not wish to return the property to use, they feel able to bring the property back into use without assistance, or that they do not feel that any of the options provided would be of assistance to them.

Of those who did feel assistance would be of use the majority indicated that grant assistance would be their preferred form of assistance. However, 63% of respondents stated that they did not have a mortgage or loan secured against their property.

30% of respondents stated a preference for receiving services from the Local Authority; 38% had no preference for which agency provided assistance.

Owners were asked to indicate how they became responsible for the property:



The results show that the majority of owners purchased the properties for their own benefit. However, the results from what owners intend to do with their property indicate that the majority are looking to sell. This considered in conjunction with owners condition survey of their property could indicate that a high proportion of owners purchased properties with the intention of renovating them, but that this was not achievable.

### 4.3 Conclusion and points to address

This research provided detailed information about the empty property profile in the borough that was not previously available. It identified owners' preferences, which have been used to review the empty homes toolkit and ensure that advice and assistance is appropriate.

The following tools have been identified as additions to the current toolkit (detailed in section 6) to cover the full range of requirements identified through the MORI research.

- **3 yearly survey of empty properties (Objective 1)**
- **Undertake quarterly monitoring of performance against set targets (Objective 3)**
- **Improve recording of empty properties through the development of an empty homes database (Objective 3)**
- **Target empty homes early on to prevent them falling into severe disrepair (Objective 1)**
- **Publicise advice available from Chelmsford Borough Council to increase owner awareness (Objective 2)**
- **Put together information packs for owners that provide information on options for returning property to use and the advice and assistance available (Objective 1)**

# 5 | The Empty Homes Toolkit

The Council has developed an empty homes toolkit, which provides a range of options that can be tailored to suit the individual circumstances of each property and/or owners wishes.

The strategy should, in the majority of cases, provide adequate means to motivate owners to bring their properties back into use voluntarily without the need for enforcement action. The preferred route will be to work closely with owners to reach a solution.

## **5.1 Advice/Assistance**

The Council's Empty Homes Officer will provide the following assistance to owners and other groups involved in returning empty properties to use:

- Assistance with identifying the most suitable option for returning the property to use for both the owner and their property.
- Guidance on accessing other Council services, e.g. Planning, Building Maintenance, etc.
- Introduction to private buyers and developers who have registered their interest in purchasing an empty property.
- Investigation of empty properties of interest or concern to members of the public.
- Database recording details of people interested in purchasing empty properties in the borough.

The Council also currently has available a range of free booklets which cover a variety of relevant topics, including how to make best use of accommodation including empty properties. These are produced both by Chelmsford Borough Council and by Government Departments. They include:

“Direct Leasing Scheme: A Landlord's Guide”

“Rent and Damage Deposit Guarantee Scheme – A landlord's guide”

“Rent and Damage Deposit Guarantee Scheme – A tenant's guide”

“Repairs – A Guide for Landlords and Tenants”

“Assured and Assured Shorthold Tenancies – A Guide for Tenants”

“Assured and Assured Shorthold Tenancies – A Guide for Landlords”

These booklets are available from the Housing Reception, Citizens Advice Bureau and upon request from the Accommodation Manager and Empty Homes and Research Officer.

## **Owners**

Advice and assistance is currently provided to owners of long-term empty properties. There is a need for proactive work to tackle empty homes before they become long-term empty. An Empty Homes Information Pack detailing the various services available to owners of empty properties, an introduction to the Council's empty homes work and a questionnaire to establish the reason the property is empty will be sent to owners at the time a property is registered as "standard" empty, i.e. 6 months to allow for "transactional" empty properties. Properties will be identified via the monthly database updates and a pack sent out by the Empty Homes officer. Information provided on the questionnaire will be used to identify options for returning the property to use and tailoring advice and assistance. The packs include details of the Council's empty homes strategy, options for returning the property to use, advice and assistance available and local service providers, such as letting agents, estate agents and suppliers, who may be of interest or assistance to owners.

## **Financial Advice**

In the MORI survey the majority of owners stated that they did not have a mortgage or loan secured against their property. Advice and assistance will be provided through signposting to local and national financial service providers and giving general advice about releasing equity in the property. An information pack including details of Chelmsford Borough Council and other grants available to owners, such as the PLACE project (see item 5.4) and sub-regional Private Sector Leasing Schemes will be made available to owners who identify funding as an obstacle to returning their property to use and summary details of financial options will be included in the Empty Homes Information Pack. Individually tailored information can then be obtained from the Empty Homes Officer.

## **Purchasers**

Individually tailored advice on purchasing and renovating empty properties will be available from the Empty Homes Officer, taking account of the purchasers financial situation and intended use for the property and support needs identified to ensure that the property is brought back into use. Purchasers will be invited to attend an interview with the Empty Homes Officer to discuss their intended use for the property and any potential obstacles. The Empty Homes Officer will refer to other Council services and external partner agencies such as the Empty Homes Agency as necessary.

## **5.2 Direct Leasing Scheme**

The Direct Leasing Scheme is a 3 year fixed term lease between individual landlords and Chelmsford Borough Council. The Council provides an assured shorthold tenancy agreement and undertakes tenancy management. Property maintenance and repairs are the responsibility of the Landlord, although the Council operates as the tenant, and the property is used for temporary accommodation. The scheme assists landlords who do not wish to undertake the management of a tenancy and is managed by the Accommodation Manager in the Council's Strategic Housing service.

## **5.3 Rent and Deposit Guarantee Scheme (RDGS)**

The RDGS assists a household in housing need into self-contained private rented accommodation by guaranteeing landlords/agents against loss of up to one month's rent and possible damage caused to the property by the tenant as well as fast-tracking Housing

Benefit claims. The scheme assists landlords having difficulty in identifying suitable tenants and is managed by the Accommodation Manager in the Council's Strategic Housing service.

#### **5.4 PLACE Project – Empty Homes Renovation and Leasing Scheme**

Chelmsford is part of a Consortium of five Local Authorities that successfully bid for capital grant funding from the Regional Housing Board (RHB) for an empty homes renovation and lease project. The other partner Local Authorities are Harlow District Council, Epping Forest District Council, East Herts District Council and Uttlesford District Council. (At the time of writing the Consortium is undertaking procurement to tender an RSL partner). The capital grant is for £3.5million over two years: 2006/2008. The project is being run as a pilot for these two years.

The project is aimed at tackling very long-term empty homes that require significant renovation works before being brought back into use. The RHB capital grant is used to fund renovation of the property to the decent homes standard and the property is then signed up to a 3 year lease with the managing RSL with nomination rights to the relevant Local Authority for the duration of the lease.

The Capital Grant is equally divided between the 5 partner Local Authorities, equating to £700,000 per authority (£350,000 each year). It is anticipated that the project will return 116 long-term empty homes to use across the 5 partner districts, equating to approximately 25 in Chelmsford.

At the end of the 2 year pilot the project will be reviewed and results published, and options for mainstreaming the project considered.

#### **5.5 Introduction and Marketing Service for Empty Homes**

The MORI survey results indicated that the majority of owners intended selling their property, but that renovation works were obstructing this progress. The recent increased interest in empty properties for investment and as an alternative route onto the housing ladder has resulted in a number of private purchasers, investors and developers registering their interest in purchasing empty properties for renovation, creating a market for empty properties in the borough.

A database of people interested in purchasing empty properties will be established, and individual empty property owners are notified that there has been an interest expressed in their property as part of the investigation process. The Council has considered carefully its duties under the Freedom Of Information Act and for enquiries received to date has determined that the provision of property details is exempt and therefore have not been made available; pending further clarification of the law on this it is anticipated that this determination will continue. People interested in purchasing empty properties will instead be offered the opportunity to register their details on a database which will record the parties contact details, the type and size of property they are looking for and their preferred locations.

During discussions on the future use of properties owners will be notified that there are parties who have expressed an interest in properties like theirs and asked to indicate if they would be interested in selling the property. If so, they will be asked to give consent for details of their property to be passed to interested parties. The relevant potential purchaser or developer will then be contacted with details of the property. If they are interested in the property the Empty Homes Officer will forward the interested parties details to the owner and, if necessary, act in a mediatory capacity to begin discussions.

# 6 Enforcement Action

In consideration of enforcement action thought will be given to the appropriateness of action in view of the extent of the current problem caused by the property and any potential cost to the Council.

Any enforcement action will be undertaken in accordance with the Enforcement Concordat standards, which state that enforcement will only be considered where all reasonable means of persuasion have been exhausted. The Enforcement Concordat was signed in 1998 by local and national enforcers, including Chelmsford Borough Council. The Concordat articulates the principals of Good Enforcement and aims to help enforcers to achieve higher levels of voluntary compliance.

## 6.1 Improvement Works

Improvement notices can be used to require repair of a property that is causing a nuisance to a neighbouring property or the surrounding area. Improvement notices are administered and enforced by Housing and the Environment and Planning and Building Control Services.

The following notices can be issued to address hazards and nuisances relating to empty properties:

Indication	Legislation	Action Enforced
Property unfit for human habitation: Hazard 1 or 2 under the Housing Health and Safety Hazard Rating System. Local Authorities have a duty to act on hazards of category 1 and the power to act on category 2 hazards.	Housing Act 2004 Part 1: Chapter 2	Requires the owner to make the property fit for human habitation or to rectify situations of serious disrepair and remove category 1 or 2 hazards as identified.
Dangerous or dilapidated buildings	Building Act 1984, section 77 and 78	Requires the owner to make the property safe or enable the Local Authority to take emergency action to make the property safe.
	Housing Act 1985 section 189 and 190	Requires the owner to make the property safe. Section 189 applies if the property is unfit for human habitation. Section 190 applies in other cases of serious disrepair.
	Housing Act 1985 Sections 264 and 265	Requires closure or demolition of unfit property
Property unsecured against unauthorised entry or likely to suffer vandalism, arson or similar	Local Government (Miscellaneous Provisions) Act 1982 section 29	Allows the Local Authority to undertake any works necessary to prevent unauthorised entry or to prevent the building from becoming a danger to public health.

	Environmental Protection Act 1990 section 80 Building Act 1984 section 78	Requires the owner to take steps to secure the property or allows the Local Authority to board it up in an emergency.
Vermin, either present or if there is a risk of attracting vermin that may detrimentally affect people's health	Prevention of Damage by Pests Act 1949, sections 2-7	Requires the owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin or gives the Local Authority the power to do so.
Statutory Nuisance (e.g. repair, dampness, refuse)	Environmental Protection Act 1990 sections 79-81 Public Health Act 1961 section 34 Building Act 1984 section 76 Public Health Act 1936 section 83	Requires the owner to remove the nuisance or gives the Local Authority the power to do so
Unightly land and property affecting the amenity of the area	Town & Country Planning Act 1990 section 215 Building Act 1984, section 79 Public Health Act 1961 section 34	Requires the owner to take steps to remedy the unsightly land or external appearance of the property within a specified time period. Requires the owner to address the property adversely affecting the amenity of the area through it's disrepair Requires the owner to remove waste from the property
Blocked or defective drainage or private sewers	Local Government Miscellaneous Provisions Act 1976 section 35 Building Act 1984 section 59 Public Health Act 1961 section 71	To require the owner to address blocked or defective private sewers or drainage

## 6.2 Enforced Sale

Enforced Sale can be used for those properties that have charges raised against them following statutory improvement works as detailed above where the property remains empty and is causing a significant nuisance to the surrounding area. The debt is marked as a caution on the land registry certificate at HM Land Registry and the Local Authority

serves a Law of Property Act section 103 notice on the owner. The property is sold at auction and the cost of statutory works undertaken in default by the Local Authority; administration costs and Land Registry fees for the Enforced Sale can be recovered from the sale. Enforced Sale can also be used to recover personal debts like Council Tax debts by the Local Authority applying to the County Court to award an interim charging order. If the Court gives a favourable judgement the local authority can apply for a final charging order and order the sale of the property. (see appendix 3 for procedural flowchart)

### **6.3 Compulsory Purchase Orders**

Compulsory purchase of empty properties may be considered if a property is causing a significant nuisance and the owner cannot be traced or the property is in a very severe state of disrepair that cannot be rectified through the use of Improvement Works Notices. The decision as to the appropriateness of serving a CPO on a property will be assessed on public merit in terms of type of property, location and potential cost. (see appendix 3 for procedural flowchart)

### **6.4 Empty Dwelling Management Orders (EDMO)**

Empty Dwelling Management Orders are a discretionary power introduced in the Housing Act 2004 and powers came into force in April 2006 that allows local authorities to take management control of certain unoccupied dwellings where voluntary approaches have been exhausted.

Under an EDMO the local authority takes over management control of a property for a maximum of 7 years. It has the right to possession of the dwelling for the duration of the order; however, it does not become the legal owner and, therefore, cannot dispose of its interest in the property. On termination of the order, responsibility for the property reverts back to the owner.

This is a new power and as yet untested and the success and take up of it nationally will be routinely monitored to identify Best Practice. However, it is expected that the Council will only use EDMOs as a last resort, in accordance with the Enforcement Concordat.

It is expected that Enforced Sale, CPOs and EDMOs will only be considered where all reasonable means of persuasion have been exhausted. In addition, each case will be assessed on its public merits prior to initiating enforcement action (see appendix 3 "Enforcement Action" procedural flowchart).

# 7 Delivering the Strategy

## 7.1 Resourcing the Strategy

The Strategy will be resourced from existing service budgets, which contain provision for:

- The full time post of Empty Homes and Research Officer
- Advertising campaigns
- Existing schemes such as the Rent and Deposit Guarantee Scheme and Deposit Guarantee Scheme

## 7.2 Recording Empty Properties

At present, data on empty properties is collected via Council Tax exemption code reports, which are based on exemption codes used to calculate discounts. All empty homes are exempt from paying council tax for a period of 6 months and local authorities are given the option of offering further discount on expiry of the exemption period. Previously, Chelmsford Borough Council offered a 50% council tax discount for a further 6 months following the exempt period. However, the decision has been taken to remove this additional discount period to encourage owners to return their properties to use sooner. From 1 April 2007, on expiry of the 6 month exempt period if the empty property is not recorded as returned to use it will be registered as standard empty and will revert to 100% council tax charge, Properties affected by this will be non-exempt properties that have been registered standard empty for more than 6 months (see appendix 6 pg 40). However, if there are special circumstances relating to the owner or the property, for example the property is awaiting probate or the owner is in hospital or care, a further exemption period may apply. On expiry of this additional exemption period the property will revert to 100% council tax charge. Properties that are exempt due to special circumstances will not be investigated for the duration of the exemption period.

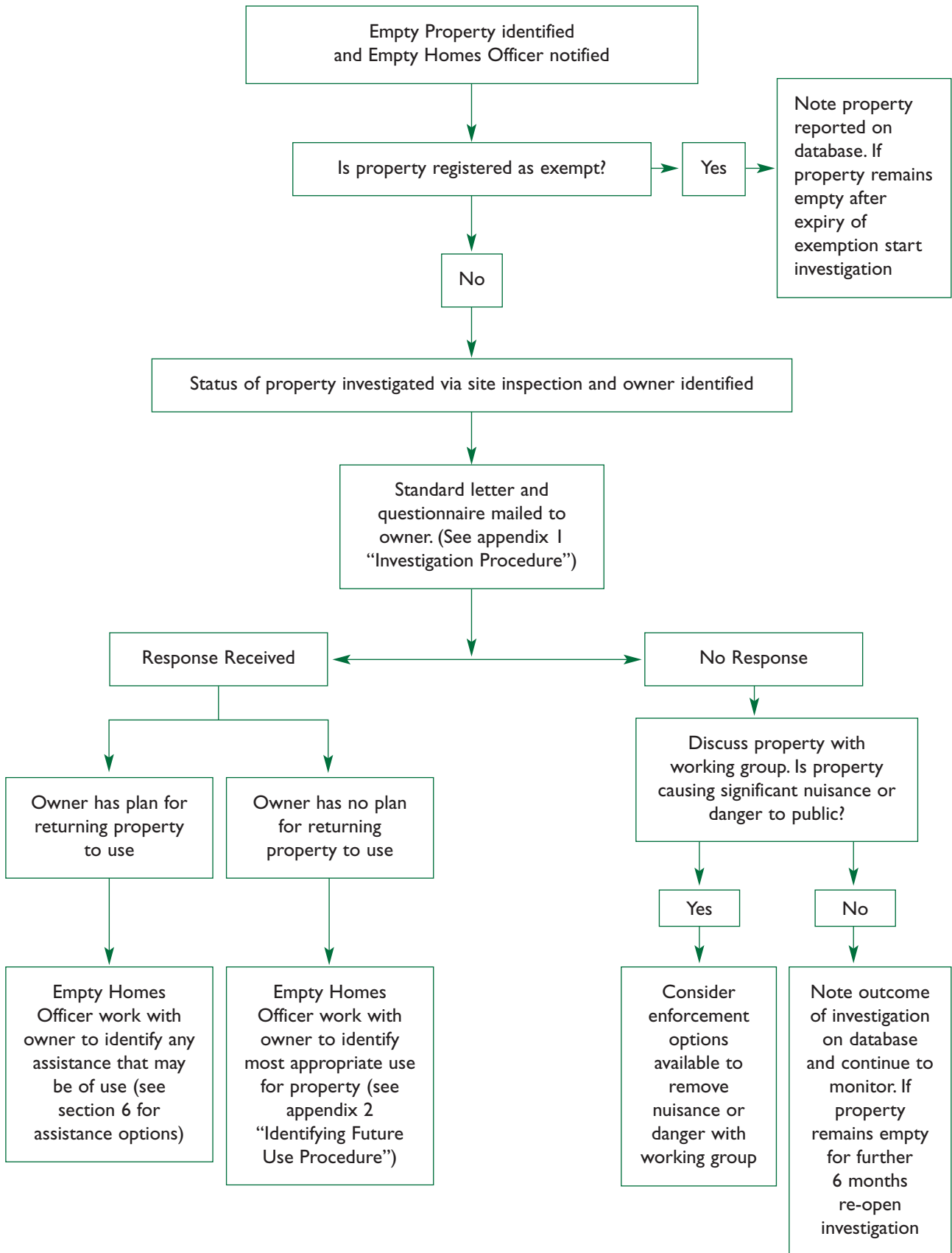
To improve recording of empty properties a database will be established that records detailed information about properties with regard to length of time empty, owners' details, investigation notes and timescales for investigation. This database will be managed by the Empty Homes Officer and updated by monthly Council Tax reports. Routine reports will be run quarterly to monitor performance and additional reports will be available to assist with data provision for other statistical collection, for example the Housing Strategy Statistical Appendix (Housing Investment Programme).

The Empty Homes Officer's direct line will be established as the Empty Homes Hotline and an empty homes email address will be the contact point for all empty homes enquiries.

## 7.3 Procedures

The processes outlined in this Strategy will be governed by the following overarching procedure. All procedures will be regularly reviewed and updated as necessary.

Fig I.2 Returning Empty Properties to Use



## **7.4 Prioritising**

Properties will be prioritised by the length of time empty and initially, the focus of the strategy will be on those properties that have been empty for a considerable length of time, i.e. more than 5 years. Properties will then be individually prioritised according to:

- Size
- Type
- Location
- Condition

Those properties that fit the profile in most demand in the borough will be highest priority. However, properties, which are creating a nuisance or are the subject of a Member's Enquiry will be investigated outside of this priority system.

## **7.5 Partnership Working**

In addition to Services identified in Corporate Working a number of external agencies are also involved in empty homes work to provide additional support and sources of funding. The following is an inclusive but not exhaustive list of partners/agencies and will be updated as necessary:

GO-East (Government Office for the East of England)

The Empty Homes Agency

East of England Empty Homes/Private Sector Task Group

London Commuter Belt Empty Homes Forum

Norfolk, Suffolk & Essex Empty Homes Forum

Local RSLs

External agencies provide additional resource and expertise in tackling empty properties and may be invited to attend the Working Group for particular properties where additional or specialised knowledge is required to resolve the problem.

## **7.6 Targets**

The target for BVPI 64 is currently set at 30 properties per year. Performance against this target in 2005/06 was 94 homes returned to use, with results for the last three quarters also above the target. However, this target includes private sector properties that are not long-term vacant, therefore, the effectiveness of the strategy will also be measured under the following objectives:

- The number of properties empty for more than 12 months
- The number of new empty properties recorded each year
- The average length of time empty
- The number of areas with more than 10% of empty properties

## **7.7 Monitoring**

The Strategy will be continuously monitored by the Empty Homes Officer and updated as necessary. Quarterly analysis of performance under the above four objectives will be

undertaken by the Empty Homes Officer and any new trends identified. The policy toolkit will be adjusted accordingly to take account of any new trends or changes in legislation.

### **7.8 Publicising the Strategy**

The Strategy will be widely publicised both across the Council and across the Borough to ensure that all Services are aware of the Council's policy on Empty Properties, and the wider community are aware of the Council's work to encourage reporting of empty properties. This will be done through the Council website, press releases to local newspapers and Chelmsford Borough Council publications, e.g. Borough Life, the Council's free newsletter with a wide distribution to households across the Borough.

A dedicated Empty Homes page has been created on the Chelmsford Borough Council website and this will serve as a source of information on empty homes work being done both locally and nationally. The Empty Homes Officer will be responsible for ensuring the page is regularly updated with both local and national issues on empty homes, for example case studies on particular properties, and national stories, and changes in legislation.

The Empty Homes Week of Action will be re-launched as this has previously been successful in encouraging members of the public and empty property owners to come forward and work with the Council. The week will be held annually in October to coincide with the Empty Homes Agency's National Week of Action to increase the impact of the event. The Empty Homes Officer will be responsible for co-ordinating the event, which will consist of a series of case studies of properties that have been returned to use and a high profile publicity campaign on Chelmsford Borough Council's work on empty homes through press adverts, flyers, posters and local radio features.

Empty Homes work will also be included in Chelmsford Borough Council's work with Private Sector Landlords, and the Empty Homes Officer will attend the annual Landlords Forum and any additional events aimed at Landlords in the Borough or across the Sub-region.

### **7.9 Reviewing the Strategy**

The strategy is intended to be in place for 3 years (2006-2009), however, should quarterly monitoring indicate that the number of long-term empty properties has significantly increased or new legislation affecting the Council's powers for dealing with empty properties be introduced it will be reviewed before 2009.

The strategy will be reviewed by consideration of quarterly performance monitoring reports and a consultation exercise with service users, both members of the public and empty property owners and purchasers, to assess the success of the strategy in terms of public perception on empty homes in the borough and the appropriateness of the toolkit and advice offered.

# Action Plan

Aim: To return long-term empty properties to use in the most appropriate way in the shortest possible timescale

## Objective 1: Prevent properties from becoming long-term empty

Action	Outcome	Responsible Officer	Date of Action
Develop procedure for proactive contact with owners when property registered as empty	Monthly report provided by Council Tax identifying newly registered empty properties	Council Tax Officer	2006
	Produce "Empty Homes Information Pack" which will be sent to owners when property first registered as long-term empty	Empty Homes & Research Officer	2006
Work with other Local Authorities in Sub-region to develop procedure for issuing and managing Empty Dwelling Management Orders (EDMOs)	Identify RSL to manage EDMO properties	Empty Homes & Research Officer	2006-2007
	Produce procedural flowchart for interim and final EDMOs	Empty Homes Working Group	2006
Regularly monitor and review the Empty Homes Strategy performance	Quarterly analysis of performance against set monitoring targets	Empty Homes & Research Officer	Ongoing
Monitor reasons for long-term properties remaining empty	Undertake a general survey of all properties empty for more than 6 months every 3 years or as required if empty property numbers or profile changes to establish reason empty and review empty homes toolkit.	Empty Homes & Research Officer	August 2008

## Objective 2: Raise awareness of empty homes across the borough

Action	Outcome	Responsible Officer	Date of Action
Publicise empty homes work within the Council and across the borough	Relaunch the Empty Homes Week of Action to be held annually in October to coincide with the Empty Homes Agency National Week of Action	Empty Homes & Research Officer	October 2006
	Regularly publish empty homes case studies and updates in the local press to maintain public awareness	Empty Homes & Research Officer/ Corporate Communications	Ongoing
	Undertake a feasibility study into creating a regular Empty Homes slot in Borough Life	Empty Homes & Research Officer/ Corporate Communications	April 2007
	Maintain and regularly update the Empty Homes webpage with case studies and legislation updates	Empty Homes & Research Officer/ Information Systems Officer	Ongoing
	Attend Private Sector Landlord Events to encourage landlord and letting agent involvement in empty homes work	Empty Homes & Research Officer	Ongoing

### Objective 3: Improve recording of empty properties

Action	Outcome	Responsible Officer	Date of Action
Establish a working Empty Homes Database	Create an access database for recording empty properties	Empty Homes & Research Officer/ Information Systems Officer	2006
	Link property database to purchaser and developer database		
	Run monthly Council Tax reports for “standard” and “long-term” empty properties	Council Tax	Ongoing
	Run quarterly performance monitoring reports from Empty Homes database	Empty Homes & Research Officer	Ongoing
Provide a single reference point for empty homes queries	Set up an Empty Homes email address and e-forms on the Empty Homes webpage	Information Systems Officer	2006

### Objective 4: Develop better partnership working across the Council to establish a corporate commitment to empty homes work

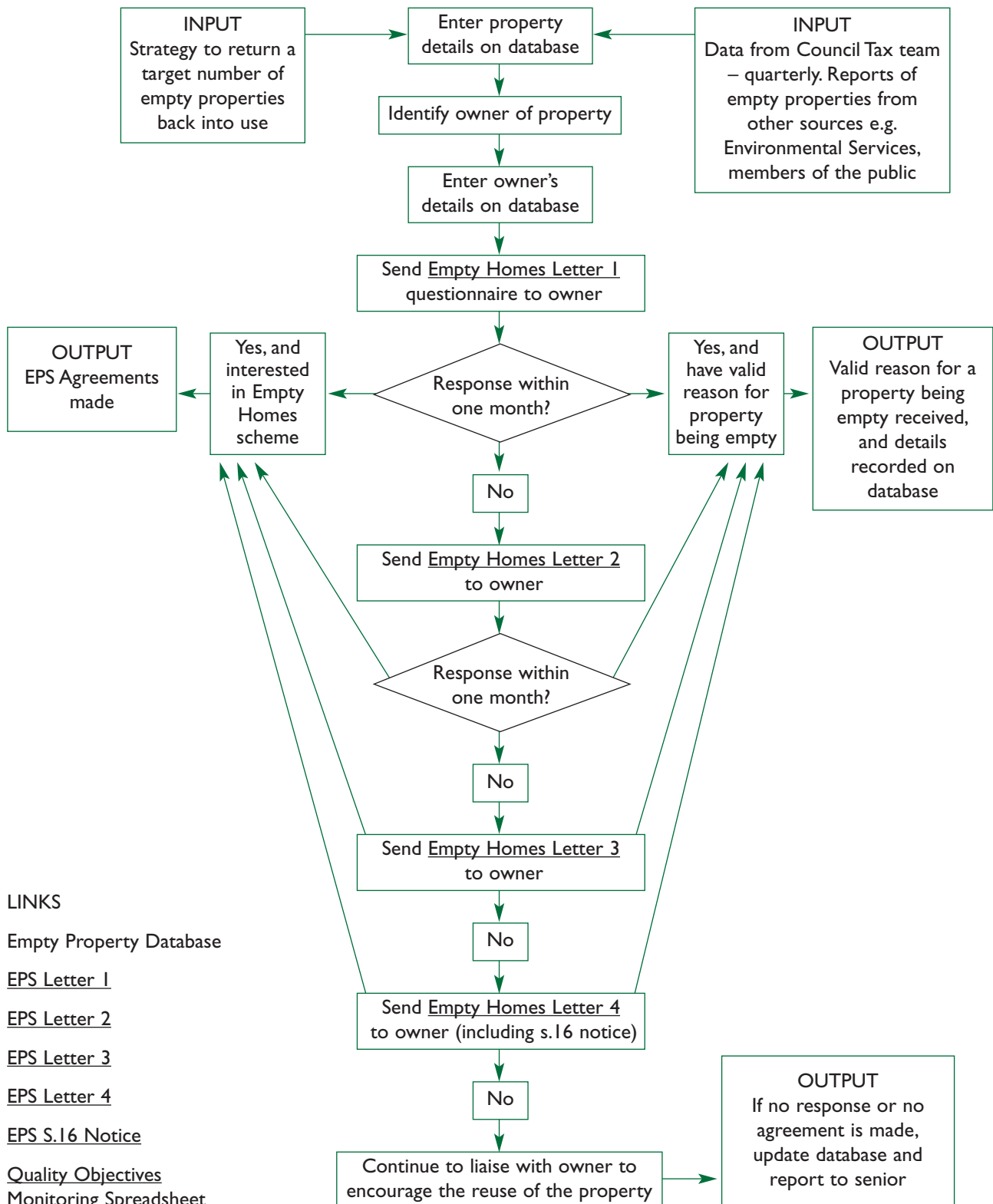
Action	Outcome	Responsible Officer	Date of Action
Establish an Empty Homes Working Group	Identify key service areas and invite representative officers to join the working group	Empty Homes & Research Officer	2006
Ensure Corporate links are made with other strategies	Incorporate empty homes into the Housing Strategy	Empty Homes & Research Officer/ Housing Strategy Officer	2006 – 2007
	Undertake feasibility study into empty homes being incorporated into Brownfield site count as Redfield sites under PPS3	Empty Homes & Research Officer/ Senior Enabling Officer	2007/2008
	BVPI64 monitoring by TEN Performance Management System	Quality & Performance Management Officer	Ongoing

**Objective 5: Investigate opportunities to work with RSLs to develop empty properties as a source of affordable housing**

Action	Outcome	Responsible Officer	Date of Action
Research external funding opportunities for empty homes projects	Liaise with GO-East and associate members of the East of England Empty Homes Task Group	Empty Homes & Research Officer	Ongoing
Increase RSL awareness of Chelmsford Borough Council's Empty Homes Work	Regularly attend the RSL forum	Empty Homes & Research Officer	Ongoing

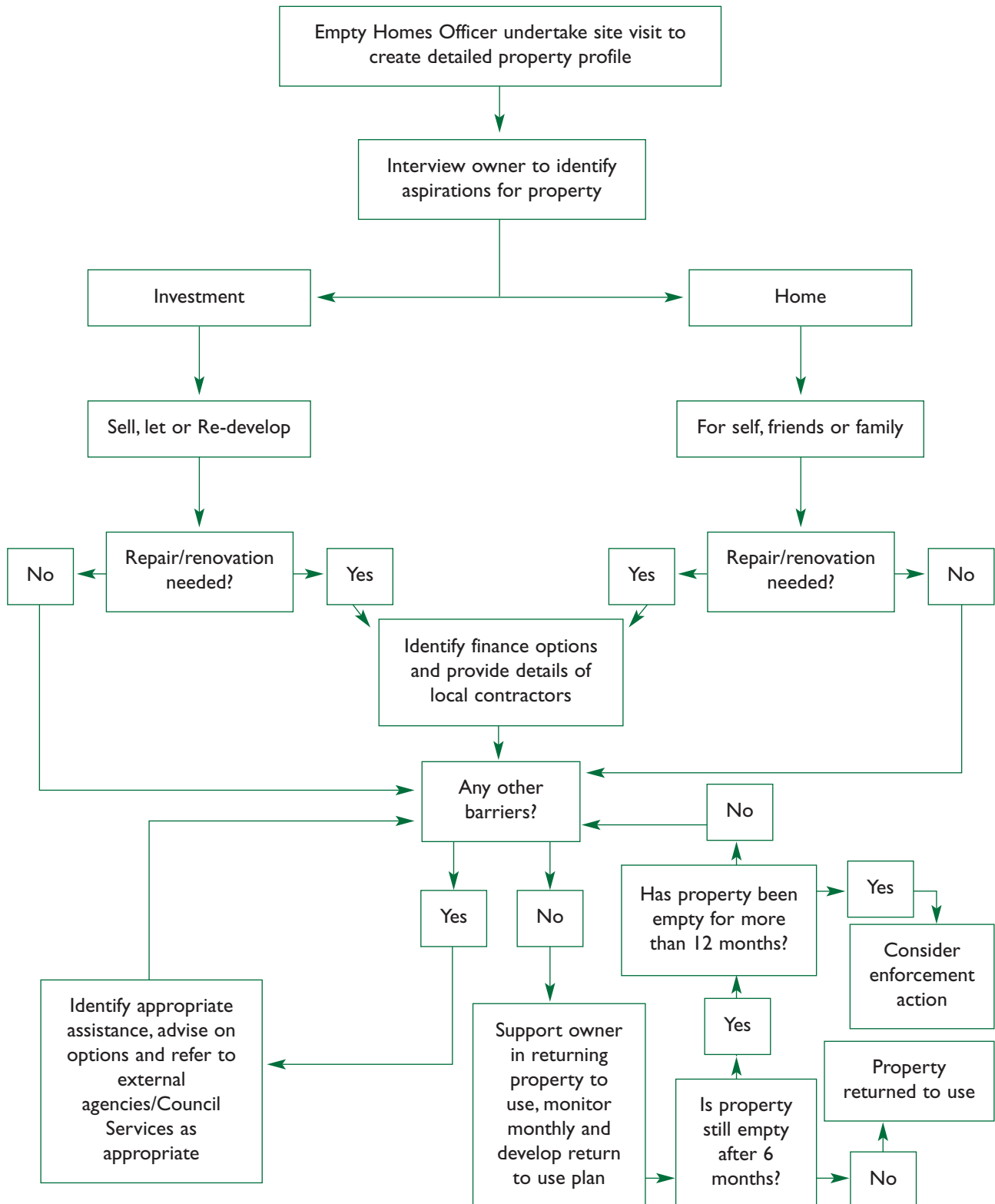
# Appendix I

## Investigation Procedure



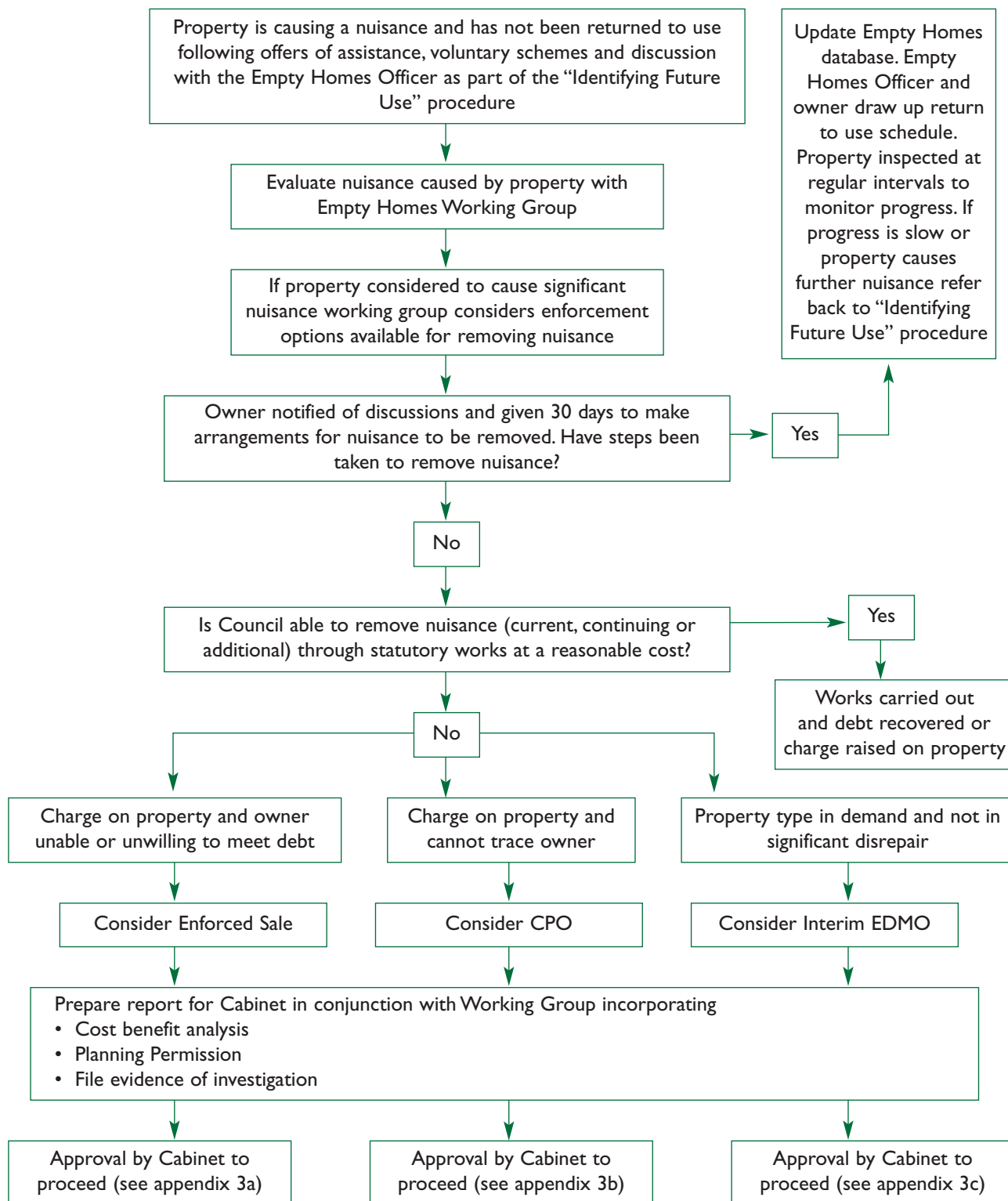
# Appendix 2

## Identifying Future Use



# Appendix 3

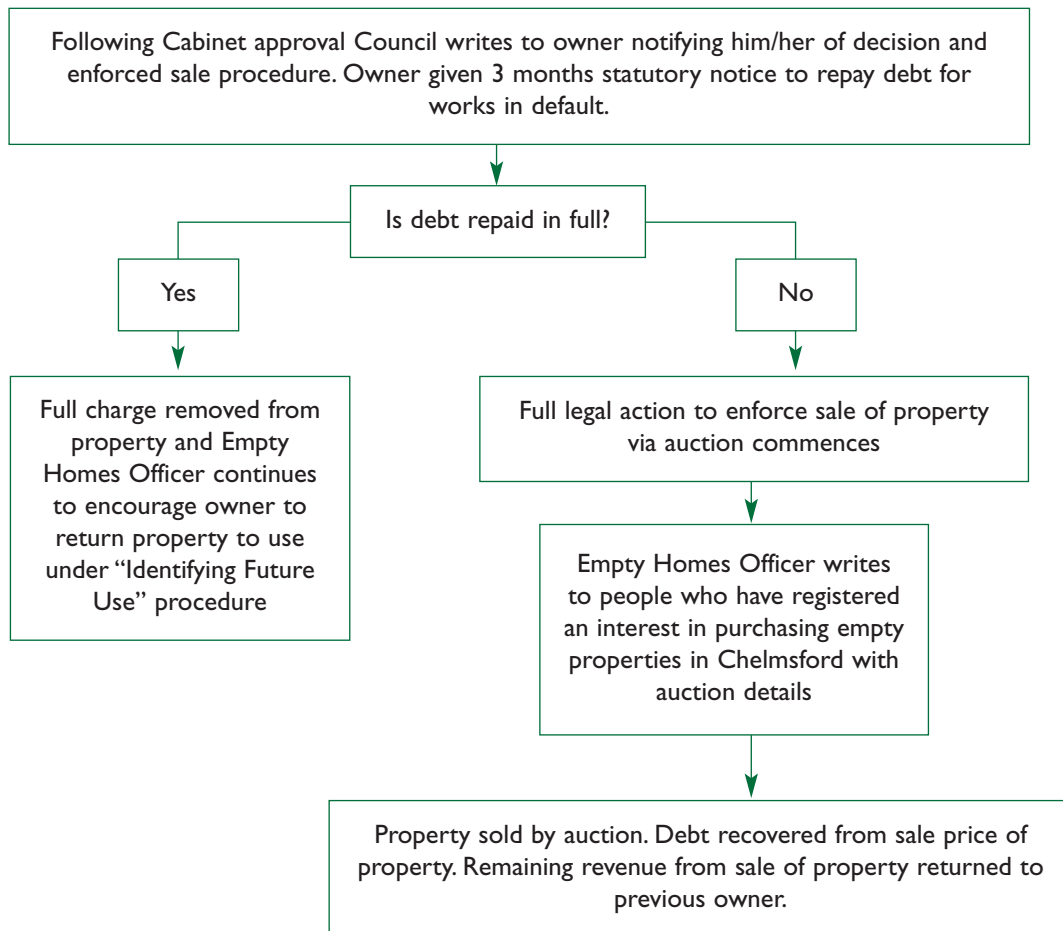
## Enforcement Action



**NB If Cabinet does not approve action carry out further investigation as requested or consider alternative options under Identifying Future Use procedure**

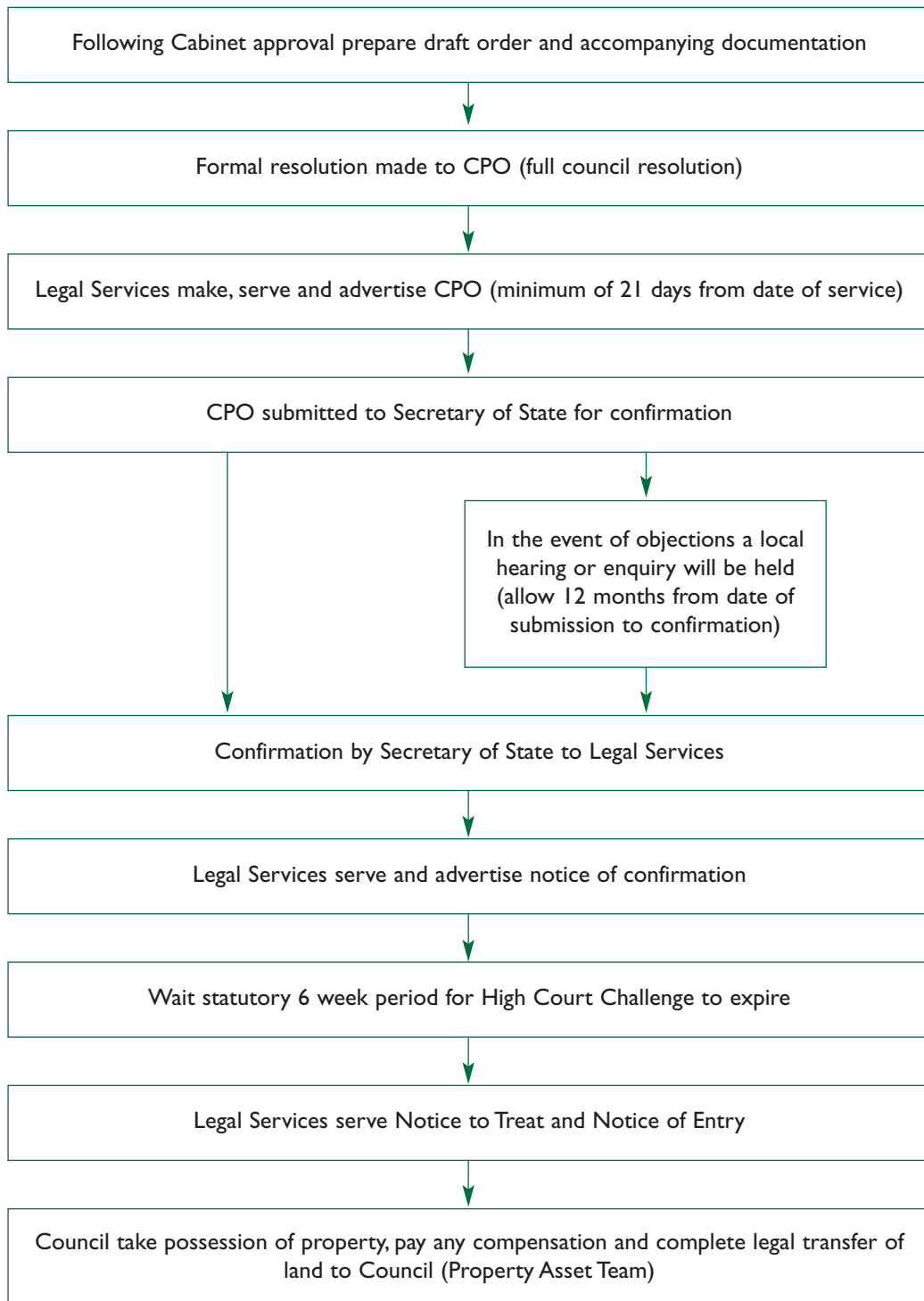
# Appendix 3 (a)

## Enforced Sale



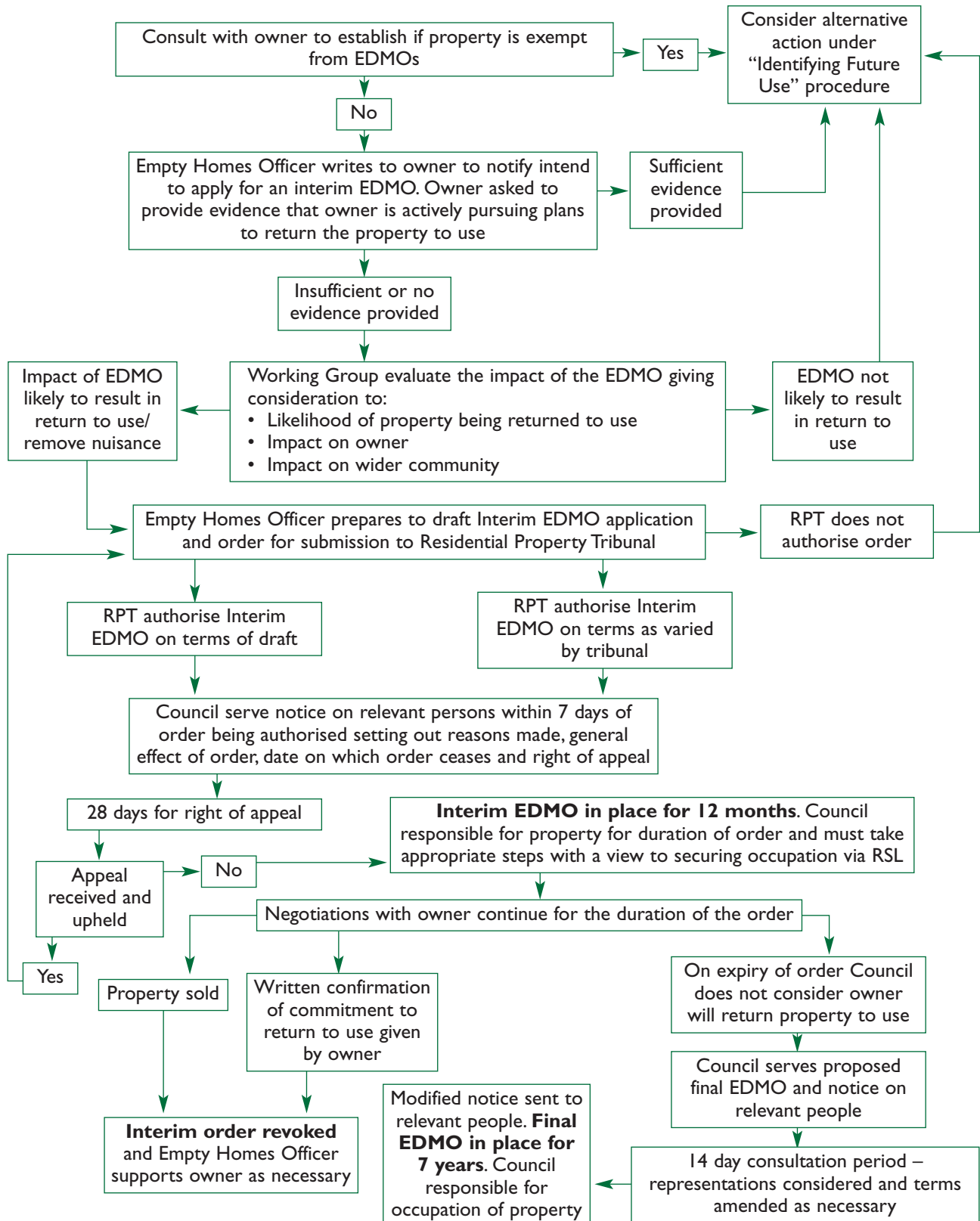
# Appendix 3(b)

## Compulsory Purchase Order (CPO)



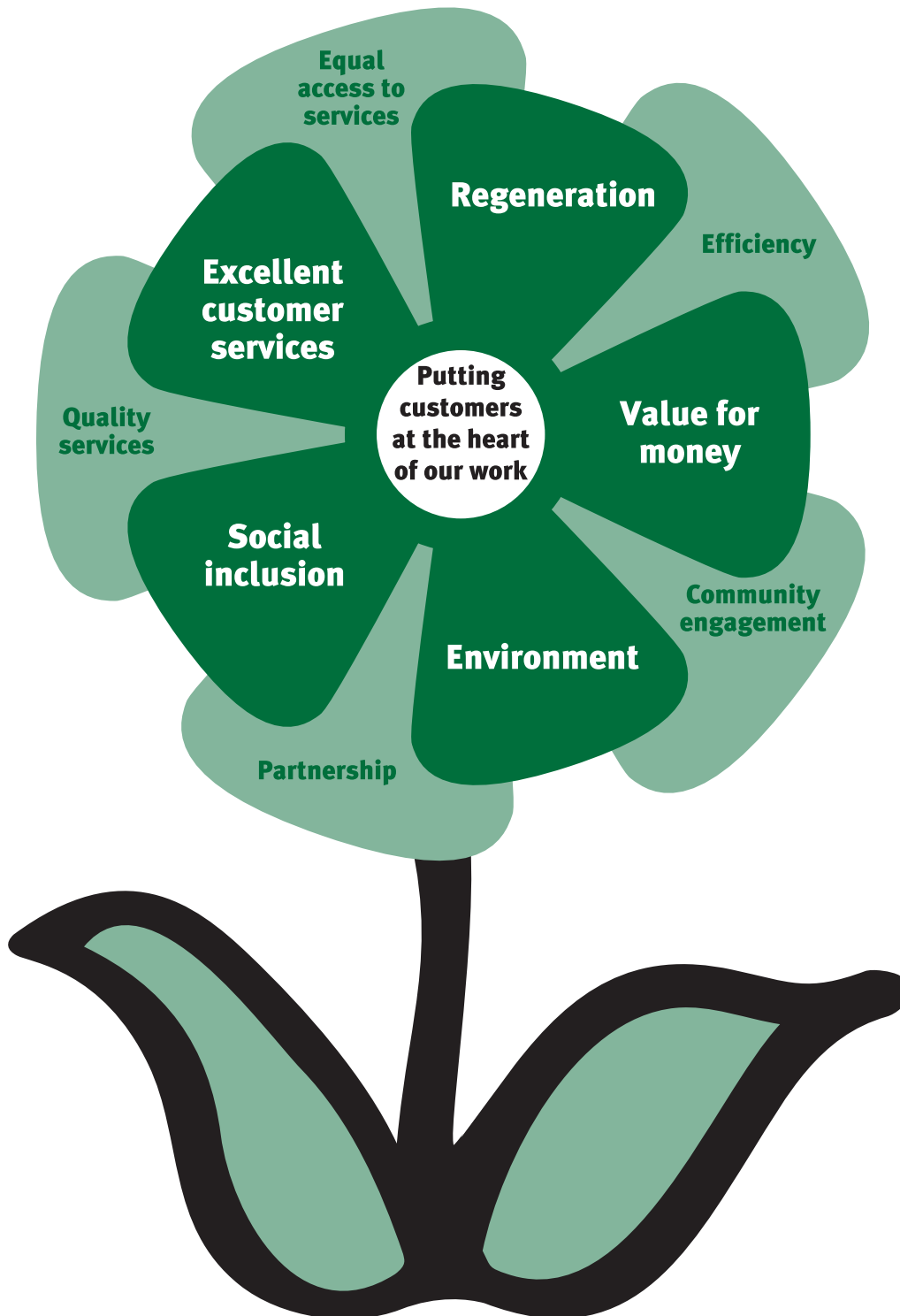
# Appendix 3(c)

## Empty Dwelling Management Orders (EDMO)



# Appendix 4

## Chelmsford Borough Council Core Values



# Appendix 5

## Corporate Commitment

The following Council services will contribute to the delivery of the Empty Homes Strategy.

### *Strategic Housing Services and the Environment*

Strategic Housing Services will take the lead on the Empty Homes Strategy. A dedicated post of Empty Homes and Research Officer was created in 2005, which provides the necessary resource for a full time commitment to tackling empty properties.

Strategic Housing Private Sector Team and Environmental Enforcement Team are traditionally a referral point for the public for queries regarding empty properties. They are also involved in serving notices on empty properties that constitute a risk to the public.

### *Legal Services*

It is anticipated that enforcement measures may occasionally be necessary to secure the return to use of a small number of very long term or severely dilapidated properties. Once a proposal for enforcement action in the form of an Empty Dwelling Management Order, Compulsory Purchase Order or Enforced Sale has been agreed Legal Services will be responsible for co-ordinating the enforcement action.

### *Council Tax*

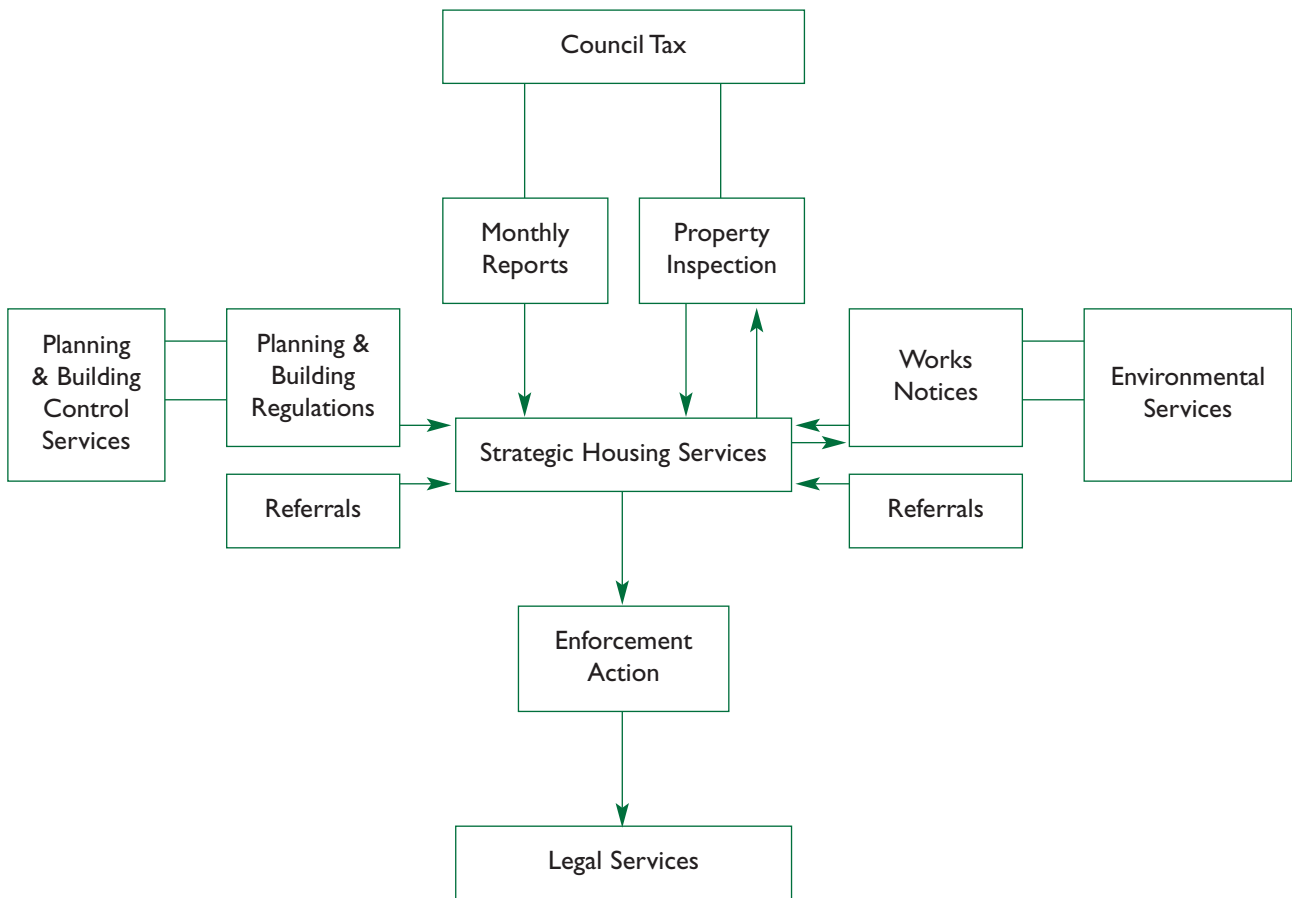
Council Tax records will be the main source of information regarding the location and ownership of empty properties. Reports of the number of properties registered as vacant will be sent to the Empty Homes Officer on a monthly basis, and these reports will be used to update the Empty Homes database and monitor progress on reducing the number of long-term vacant properties. The Council Tax Inspector may also occasionally be involved in the investigation of empty properties and reporting new unregistered empty properties identified during routine inspections.

### *Planning & Building Control*

A number of empty properties require modernisation works before they can be returned to use. To ensure that any conversions or modernisation works comply with planning policies and building regulations close liaison with Town Planning and Building Control is necessary when discussing options for returning a property to use. In addition, Building Control receives referrals from the public regarding derelict and dangerous properties, which require a co-ordinated approach with the Empty Homes Officer for full investigation.

The following chart illustrates the relationship between the above identified Council Services for the purposes of the Empty Homes Strategy:

## Corporate Map



# Appendix 6

## Empty Homes Distribution by Ward

Ward	Ward Members	Total dwellings (census 2001)	Total empty homes	Special Circumstance Exempt empty homes*	Non-exempt empty homes Less than 6 months**	6 months or longer (as % of total dwellings)
<b>Bicknacre and East &amp; West Hanningfield</b>	CLlr R. Poulter CLlr M Harris	2,103	56	13	31	12(0.6%)
<b>Boreham and The Leighs</b>	CLlr J Galley CLlr P Wilson	2,108	75	6	46	23 (01.1%)
<b>Broomfield and The Walthams</b>	CLlr J Need CLlr D Ashford CLlr A Wilsher	3,146	70	13	32	25 (0.8%)
<b>Chelmer Village and Beaulieu Park</b>	CLlr R Alcock CLlr N Gulliver CLlr D Lumley	3,635	65	11	46	8 (0.2%)
<b>Chelmsford Rural West</b>	CLlr N Chambers	1,130	35	9	18	8 (0.7%)
<b>Galleywood</b>	CLlr J Potter CLlr D Stevenson	2,476	55	11	19	25 (1.0%)
<b>Goat Hall</b>	CLlr F Mountain CLlr J Williams	2,252	38	8	19	11 (0.5%)
<b>Great Baddow East</b>	CLlr T Miller CLlr C Rycroft CLlr A Sosin	3,586	76	22	33	21 (0.6%)
<b>Great Baddow West</b>	CLlr M Hutchon CLlr J Sosin	2,153	46	12	22	12 (0.5%)
<b>Little Baddow, Danbury and Sandon</b>	CLlr C Kingsley CLlr R Shepherd CLlr I Wright	3,272	71	17	36	18 (0.5%)
<b>Marconi</b>	CLlr B Horslen CLlr A Longden	2,565	108	8	83	17 (0.6%)
<b>Moulsham and Central</b>	CLlr S Hindi CLlr D Lee CLlr T Worrall	4,320	212	32	144	36 (0.8%)

<b>Moulsham Lodge</b>	Clr P Firth Clr D Jones	2,100	24	10	12	2 (0.09%)
<b>Patching Hall</b>	Clr A Amot Clr P Charman Clr T Smith-Hughes	3,889	75	23	43	9 (0.2%)
<b>Rettendon &amp; Runwell</b>	Clr J Little Clr R Ride	2,053	54	21	20	13 (0.6%)
<b>South Hanningfield, Stock and Margaretting</b>	Clr I Grundy Clr R Whitehead	2,174	83	11	36	36 (1.6%)
<b>Springfield North</b>	Clr G McGhie Clr D Sismey Clr A West	3,729	53	8	39	6 (0.2%)
<b>St Andrews</b>	Clr S Jones Clr T Willis Vacancy	3,688	82	13	40	29 (0.8%)
<b>SWF Chetwood &amp; Collingwood</b>	Clr J Allen Clr M Moulds Clr C Stephenson	3,271	86	11	40	35 (1.0%)
<b>SWF Elmwood &amp; Woodville</b>	Clr A Wilkins Clr R Denston Clr P Hughes	3,126	50	9	24	17 (0.5%)
<b>The Lawns</b>	Clr R Stevens Clr Y Spence	2,335	33	9	16	8 (0.3%)
<b>Trinity</b>	Clr M Bracken Clr I Gale	2,432	91	19	46	26 (1.1%)
<b>Waterhouse Farm</b>	Clr L Cobbold Clr J Hunnable	2,150	47	8	35	4 (0.2%)
<b>Writtle</b>	Clr T Roper Clr A Sach	2,319	52	8	34	10 (0.4%)
<b>Total</b>		<b>66,012</b> (census 2001)	<b>1637</b>	<b>312</b>	<b>914</b>	<b>41</b>

# Glossary

**Beacon Status for Quality of Built Environment** – Beacon Status awards are given by the Department for Communities and Local Government (DCLG, formerly ODPM) to Local Authorities that show excellence and commitment to providing the best quality public services. Chelmsford Borough Council was awarded Beacon Council status for “Quality of the Built Environment” in recognition of its excellent work with developers and landowners to encourage high quality development.

**Best Value Performance Indicator (BVPI)** – Best Value Performance Indicators are gathered and submitted by the Government as part of a national set of performance measures for the range of local government services, providing the public and local and central government with a means of monitoring, analysing and comparing the achievements of local authorities.

**Compulsory Purchase Order (CPO)** – CPOs are a power granted to Local Authorities under the Housing Act 1985 section 17 enabling them to undertake the compulsory acquisition of land to help deliver social and economic change when acquisition by negotiation has failed. In returning empty homes to use CPOs can be used as a last resort where negotiation with the owner has failed and there appears to be no other prospect of returning the property to use. CPOs may also be used for cases of nuisance empty properties where the owner cannot be traced. The Secretary of State authorises CPOs and prior to a decision being made a Local Authority is required to demonstrate the steps it has taken to encourage the owner to return it to use, the outcome of those negotiations, and any works that have been undertaken by the owner towards the property’s return to use.

**Decent Homes Standard** – In July 2000 the Government set a target to ensure all social housing meets set standards of decency by 2010. A decent home is one which is wind and weather tight, warm and has modern facilities. To be defined as “decent”, a home must meet each of the following criteria:

- It meets the current statutory minimum for housing
- It is in a reasonable state of repair
- It has reasonably modern facilities and services
- It provides a reasonable degree of thermal comfort

**East of England** – The East of England is the region of which Chelmsford is a part. The region covers Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire, Luton and Peterborough and is made up of 9 sub-regions. Chelmsford is part of the London Commuter Belt Sub-region.

**Empty Dwelling Management Order EDMO** – An EDMO is a discretionary power introduced with the Housing Act 2004 that gives Local Authorities the right to possession of a property that has been empty for more than 6 months and that is not being returned to use. A Local Authority must apply to a Residential Property Tribunal to obtain an EDMO, with proof that it has taken reasonable steps to negotiate with the

owner or that the property is causing a significant nuisance. There are two types of EDMOs:

Interim EDMO: this is the initial stage and lasts for 12 months. In this period the Local Authority must negotiate with the owner to secure the return to use of the property. The Local Authority may also request the owner's permission to let the property.

Final EDMO: If an agreement cannot be made to return the property to use under the interim EDMO the Local Authority may apply for a final EDMO, which can last up to 7 years. Under a Final EDMO the Local Authority is granted full management of the property and the right to use it to house its tenants or housing applicants without the owner's permission.

The Local Authority is responsible for full management and maintenance of the property for the duration of the order and has the right to undertake necessary renovation works to bring the property up to standard for letting. Ownership of the property does not transfer to the Local Authority and at the end of the Order the property is returned to the owner.

**Enforced Sale** – Under the 1925 Law of Property Act a Local Authority can use Enforced Sale to sell any vacant property to recover debt owing to the Authority. Where there is money owing to the Local Authority in respect of statutory default works a charge is raised on the property. If the debt is not repaid within the specified time period the Local Authority may serve an Enforced Sale notice for the property to be sold at auction. The charge is recovered from the sale. If the sold price does not cover the charge the outstanding debt remains and can be pursued against the owner through the usual means.

**GO-East** – The Government Office for the East of England is responsible for co-ordinating work in the East of England region and monitoring Local Authority performance. They report to the Department for Communities and Local Government.

**Greenfield** – Sites in both rural and urban areas, which have not previously been developed. It also includes forestry and agricultural land.

**Housing Investment Programme (HIP)** – An annual dataset which details difficult to let, low demand and vacant dwellings by tenure taken as a snapshot on the 1st April each year and sent to the DCLG by each local authority in England and Wales.

**Long-term Empty Home** – An empty home that has been vacant for at least 6 months and is not in the process of being brought back into use.

**MORI** – MORI are an independent research company who conduct consultation, surveys and statistical analysis for Central and Local Government.

**Regional Housing Board** – The Regional Housing Board (RHB) is a partnership between the Government Office for the East of England, the East of England Development Agency, the East of England Regional Assembly, English Partnerships, the Regional Housing Delivery Group and the Housing Corporation and is responsible for directing the strategic allocation of funding and improving the match between supply and demand relating to housing in the region.

**Residential Social Landlord(RSL)** – A RSL is a housing association or not for profit company registered by the Housing Corporation to provide social housing.

For additional copies of this document or to have it made available in large print, translated into other languages, or recorded onto audio tape please contact:

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INVESTOR IN PEOPLE