

Meeting date: 27 March 2019
Report to: Cabinet Member for Environment and Housing
Subject/report title: Empty Homes Strategy 2019/20
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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph: Select an Exemption paragraph from the Quick Parts drop-down list

1. Purpose of Report

1.1 To present a draft Empty Homes strategy for 2019/20 for your approval.

2. Decision(s) recommended

2.1 To approve the draft Empty Homes Strategy for 2019 / 20.

3. What is the issue?

3.1 An Empty Homes Strategy for Solihull was approved in March 2015. This sets out the Council's approach to encouraging or requiring owners of long-term empty properties (which had been vacant for 6 months or more) to take action to return them to residential use.

3.2 Over this period 27 properties have been returned to use following intervention by Council officers.

3.3 At the end of 2018 there were 57 properties which had been unoccupied and unfurnished for 2 years or more.

3.4 There were 164 properties which had been left unoccupied and unfurnished for 6 months to 2 years.

3.5 A further 404 properties had been unoccupied for 6 months to 2 years but were mostly in probate, left by a person who had gone into care or were empty but furnished.

3.6 Finally there were 104 homes which had been vacant for 6 months or more but were legally exempt from an additional Council Tax charge or other intervention

4. What options have been considered and what is the evidence telling us about them?

- 4.1 The approach set out in the draft strategy focuses on charging additional Council Tax for properties which have been unoccupied and unfurnished for 2 years or more, together with personal approaches to owners of these properties (where known) to offer advice and assistance to return their property to residential use.
- 4.2 These approaches will also be made to owners of homes which have been vacant for more than 12 months. Owners will be advised that the Empty Property Premium will be payable on their property if it is not brought back into use before 2 years (unless it is in an exempt category).
- 4.3 Where a property has been vacant for 6–12 months the owner will be advised in writing that advice and assistance is available should they wish to act to make good use of their asset and staff will respond to any interest shown by the owner.
- 4.4 This approach makes information and advice available to all owners of long-term empties but prioritises available staff capacity on properties which have been empty for longer periods.
- 4.5 The condition of an empty property is a further consideration and the draft strategy recommends that intervention by Regulatory Services to encourage or require repair or improvement would be considered on the same criteria as for an occupied property.
- 4.6 The impact of a long-term empty property on its neighbourhood may be adverse particularly if it is in poor repair or if its garden is overgrown. This may require intervention by the Council's Neighbourhoods Team. The draft strategy recommends that community or voluntary sources of assistance are sought to reduce demand on the Council service.
- 4.7 Solihull Community Housing (SCH) remains a key partner and, depending on circumstances and resources, can offer practical assistance to owners who are willing to act to bring their property back into use.
- 4.9 The draft Strategy recommends that the Council seeks additional partners where this can bring in additional resources, expertise or innovation.

5. Reasons for recommending preferred option

- 5.1 Long-term empty homes are wasted resources in a Borough where it is often difficult to find affordable accommodation and therefore the Council will want to see them returned to residential use wherever possible.
- 5.2 However, the strategic response must be mindful of the resource requirement on the Council in terms of officer time and finance, particularly when enforcement powers are deployed.
- 5.3 Experience has shown that the greatest opportunity for success lies with those properties which have been left unoccupied and unfurnished. Whilst the emphasis remains on advice, assistance and encouragement the strategy also sets out how the Council can consider judicious use of its powers to force sale or to compulsorily purchase properties where owners repeatedly fail to engage. These remedies are both time consuming and potentially costly so must be based on a robust business case in all circumstances.
- 5.4 The draft strategy seeks therefore to set out a balanced approach which offers advice and assistance to owners of all long-term empty properties (6 months or more), retains the focus

on working with owners to achieve mutually beneficial outcomes, but which reserves the option to use powers to require action by the owner or to divest the owner of the property.

- 5.5 The prioritisation approach is critical in ensuring that resources are directed to where they can have the most impact. An 'Empty Homes Group' of officers from Income and Awards, Regulatory Services, Neighbourhoods Team, Resources and Managed Growth has been established to scope and prioritise the approach for each property that is in-scope.

6. Implications and Considerations

6.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan?

- Build Stronger Communities – contribution to all outcomes and to key programmes 7 (enabling communities to thrive) and 8 (prevention and earlier intervention)
- Deliver Value – contribution to outcome 11 (maximum value delivered to the customer) and to KP 14 (Business Operating Model)

6.2 Implications for children and young people, vulnerable groups and particular communities:

6.2.1 Safeguarding adults – none

6.2.2 Safeguarding children – none

6.2.3 Corporate parent – none

6.2.4 Vulnerable individuals – none

6.2.5 Vulnerable groups – none

6.2.6 Communities – returning homes to residential use or dealing with any problems that they present, such as overgrown gardens, will have positives for neighbourhoods and may be the source of opportunities for community involvement.

6.3 Consultation and Scrutiny:

6.3.1 Internal stakeholders – production of the draft strategy and review has involved, in particular – Income and Awards, Regulatory Services, Managed Growth and Communities.

6.3.2 Partner organisations – Solihull Community Housing (SCH) have contributed to the development of the draft strategy.

6.3.3 Community groups – none at this stage.

6.3.4 Service users – none, although Income and Awards staff have the benefit of over 3 years of dealings with owners of empty homes to draw upon.

6.3.5 Other local authorities – the strategies of several local authorities have informed the development of this draft strategy.

6.3.6 Representative groups – n/a

6.3.7 Scrutiny – none

6.3.8 Feedback arrangements – n/a

6.4 Financial implications:

6.4.1 The cost of implementing the current strategy is met from existing Directorate staffing budgets. To date, the cost of Income & Awards staff time in bringing empty homes back into occupation has been £9,300 over the period since the existing strategy was approved in 2015.

6.4.2 There is no defined budget for the use of enforcement powers for empty homes so this would be a factor for consideration in any business case to be completed for any property for which the use of powers was considered.

6.4.3 Where Regulatory Services intervene to require an owner to remedy the condition of their empty property the funding is from the same source as occupied properties.

6.4.4 When a long-term property is returned to use, the Council will receive a New Homes Bonus payment in the following financial year.

6.4.5 With effect from April 2019 a long term empty property of 2 years or more will attract an empty homes premium equating to an additional 100% Council tax payable each year. At the point that a long term empty property is brought back into use and becomes occupied and furnished the empty homes premium will no longer apply and the appropriate Council Tax charge will be levied.

6.5 Legal implications:

6.5.1 The following classes of long-term empty property are exempt:

- Second homes and holiday lets
- Properties which are normally occupied by students
- Owner of a property is in British Armed Forces
- Owner of a property is giving or receiving care
- Owner of a property is in prison
- Flood – damaged property
- Property awaiting clergy

6.5.2 The Council's solicitor will advise the Empty Property Group on the potential use of any powers to force disposal or compulsorily purchase any property.

6.6 Risk implications:

6.6.1 Risk presented by individual long – term empty properties will inform the prioritisation process through which the level of intervention is determined. No red risks have presently been identified.

6.7 Statutory Equality Duty:

- 6.7.1 The statutory public sector equality duty to have 'due regard' under the Equality Act 2010 has been met by the individual services which will contribute to the implementation of the strategy such as Council Tax charging and private sector housing enforcement.
- 6.7.2 Where additional assessment is required, such as for forced sale and compulsory purchase, this will be set out in an additional Fair Treatment Assessment.

7. List of appendices referred to

- 7.1 A – draft Empty Homes Strategy 2019 /20

8. Background papers used to compile this report

- 8.1 Council Tax Charges on Empty Properties Policy (2019)

9. List of other relevant documents

- 9.1 Report to Cabinet member for Environment and Housing, March 2015: 'Empty Homes'
- 9.2 Report to Cabinet, 7 February 2019: 'Empty Property Premium Policy'