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COMMITTEE:	JOINT OVERVIEW AND SCRUTINY COMMITTEE
DATE:	MONDAY, 25 APRIL 2022 9.30 AM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

Members	
<u>Babergh Conservative Group</u> Melanie Barrett Mary McLaren (Co-Chair) Adrian Osborne	<u>Mid Suffolk Green and Liberal Democrat Group</u> Terence Carter Keith Scarff Keith Welham (Co-Chair)
<u>Mid Suffolk Conservative and Independent Group</u> James Caston Paul Ekpenyong Dave Muller	<u>Babergh Green and Labour Group</u> Robert Lindsay
	<u>Babergh Independent Group</u> Kathryn Grandon John Hinton

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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| 4 | TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME | |

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Agenda Item 3

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 21 March 2022

PRESENT:

Councillor:

Councillors:	Melanie Barrett	Terence Carter
	James Caston	Paul Ekpenyong
	John Hinton	Mary McLaren (Co-Chair)
	Adrian Osborne	Keith Scarff
	Keith Welham (Co-Chair)	

In attendance:

Councillor(s):	Derek Davis
	Sarah Mansel
Witness(es):	Superintendent Janine Wratten – Western Area Commander (West Suffolk Constabulary)
Officers:	Strategic Director (KN)
	Assistant Director - Law and Governance and Monitoring Officer (EY)
	Corporate Manager – Communities (VM)
	Senior Governance Support Officer (HH)
	Governance Support Officer (BW)

Apologies:

Jane Gould
Kathryn Grandon
David Muller

125 DECLARATION OF INTERESTS

None received.

126 JOS/21/24 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 DECEMBER 2021

It was **RESOLVED: -**

That the minutes of the meeting held on the 20 of December 2021 be confirmed as a true record.

127 BOS/21/04 TO CONFIRM THE BABERGH MINUTES OF THE MEETING HELD ON 17 JANUARY 2022

It was RESOLVED: -

That the minutes of the meeting held on the 17 of January 2022 be confirmed as a true record.

128 BOS/21/05 TO CONFIRM THE BABERGH MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2022

It was RESOLVED: -

That the minutes of the meeting held on the 21 of February 2022 be confirmed as a true record.

129 MOS/21/04 TO CONFIRM THE MID SUFFOLK MINUTES OF THE MEETING HELD ON THE 13 JANUARY 2022

It was RESOLVED: -

That the amended minutes of the meeting held on the 13 of January 2022 be confirmed as a true record.

130 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

131 QUESTIONS BY THE PUBLIC

None received.

132 QUESTIONS BY COUNCILLORS

None received.

133 JOS/21/25 REVIEW OF WESTERN SUFFOLK COMMUNITY SAFETY PARTNERSHIP (WSCSP)

133.1 Councillor Derek Davis introduced the report to the Committee outlining that he had been appointed as Chairman of the WSCSP in December 2021 and thanked the previous Chairman of the partnership Councillor Joanna Spicer. Additionally, Councillor Davis highlighted the work of the partnership over the previous year including the work that had been undertaken on Modern Slavery, the new Violence Against Women and Girls Strategy (VAWG), and the progress that had been made by the partnership in relation to anti-social behaviour.

133.2 Councillor Sarah Mansel, Vice Chairman of the WSCSP, detailed that the domestic abuse figures for the partnership had been higher than the

national average at 19%, and that this was a priority area for the WSCSP focused on prevention and support for victims.

133.3 The Corporate Manager – Communities defined the committee’s role in relation to the WSCSP and highlighted the partnership’s key priorities.

133.4 Members queried the recent addition of CCTV cameras in Hadleigh and Sudbury and how effective these had been. The Corporate Manager – Communities responded that whilst it was too early to see the effectiveness, the installation had led to 43 arrests.

133.5 Members questioned what the geographical area of the partnership was. Councillor Derek Davis responded that the partnership covered Babergh, Mid Suffolk, and West Suffolk District Councils.

133.6 Councillor Scarff queried the Responsible Car Wash Scheme and if the status of the business would stay the same under a change of ownership. Superintendent Wratten responded that neighbourhood teams would be aware of the scheme and would report changes. The scheme was conducted through the CID (Criminal Investigation Department); However, Communities could also be asked if they notice a change. The status would be re-evaluated under a change of ownership.

133.7 Councillor Welham queried whether there was sufficient emergency accommodation for those effected by domestic violence, including men and boys. Councillor Derek Davis responded that there was enough emergency accommodation in Suffolk, and that for children short term fostering was an option.

133.8 Councillor Ekpenyong questioned what had been done to bring down the crime rate, as there had not been a lot of reduction. Superintendent Wratten responded that there had been an increase in violence, but that these figures had gone down during the pandemic. She added that these figures were low in comparison to other similar areas. However, she was also aware that generally anti-social behaviour was under reported and therefore this was a main focus area, as it could lead to more violent crime.

133.9 Councillor Caston queried how the agenda for the WSCSP was set. The Corporate Manager for Communities responded that SCC lead on this and that they consulted each council in the partnership to see what the main

issues were in that area, additionally police data had also been used.

133.10 Councillor Welham queried whether the Safe Places Scheme was a priority for the partnership. Superintendent Wratten responded that there was a need for the scheme, however there needed to be an evaluation to make sure it reached the areas where the need was highest.

133.11 Councillor Carter questioned what was being done to overcome under reporting. Councillor Davis responded that the best and easiest way was the online reporting tool as it was responded to quickly. Superintendent Wratten added that resources were a challenge when responding to incidences, as the police did not have capacity for patrols. However, not all incidents needed an immediate response.

133.12 Councillor Mary McLaren thanked those present from the WSCSP.

133.13 Members raised issues around the name of the partnership, and they felt it was confusing, because it was not clear what area was covered by the partnership. They thought that for public clarity this should be reconsidered by the Partnership.

133.14 Members also discussed the structure of the report and that it could be changed in the future in order to include more concise data, and maps of the partnership area.

133.15 Members debated the issues, and the following suggestions were made:

- That the Committee noted the contents of this report
- That the Committee do not believe that the name was helpful for people to understand the geographical area of the partnership and that the name should be reconsidered.
- That an updated tool kit be provided to all Councillors and to include what the key issues were what to look out for in these issues, what action Councillors could take, and details of emergency contacts and key
- That an information resource be put on the website for Members of the public to access information on how to report issues.
- That a briefing be set up for Members on awareness of the routes to report issues and to enable ward members to aid members of the public and Parishes.
- That in the future the structure of the report was simplified and contain a more concise data analysis.

133.16 Councillor James Caston proposed these recommendations.

133.17 Councillor Adrian Osborne seconded this motion.

By a unanimous vote

It was RESOLVED: -

1.1 That the Committee note the contents of this report.

1.2 That the comments made by the Committee regarding the name of the partnership and the format of the action plan be reported back to the WSCSP.

1.3 That the reporting toolkit for all Members be updated and circulated

1.4 That a training session be held for all Members to ensure that all Councillors have knowledge and awareness of their role in respect of identifying and reporting crime and safety issues in their area and are able to support their town and parish councils when discussing crime and safety.

1.5 That a simplified version of the action plan is circulated to all councillors with the O&S chair's report to full council on this item.

1.6 Review the timing of the WSCSP report based on the meeting cycle of the partnership and ensuring that the most up to date position is reported and to review the format of the report to ensure that the information is clear, concise and has a strategic focus.

1.7 To explore whether the strategic assessment is available from the County

134 JOS/21/26 FORTHCOMING DECISIONS LIST

The Forthcoming Decisions List was noted.

135 JOS/21/27 BABERGH OVERVIEW AND SCRUTINY WORK PLAN

It was RESOLVED: -

The Babergh Overview and Scrutiny Work Plan be noted.

136 JOS/21/28 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN

It was RESOLVED: -

The Mid Suffolk Overview and Scrutiny Work Plan be noted.

The business of the meeting was concluded at 12:39pm.

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Chair

Agenda Item 7

BABERGH and MID SUFFOLK DISTRICT COUNCIL

TO:	JOINT OVERVIEW & SCRUTINY	REPORT NUMBER: JOS/21/30
FROM:	Councillor Jan Osborne & Cllr Lavinia Hadingham - Cabinet Members for Housing	DATE OF MEETING: 25 April 2022
OFFICER:	Gavin Fisk – Assistant Director for Housing	KEY DECISION REF NO.

DRAFT EMPTY HOMES POLICY 2022

1. PURPOSE OF REPORT

- 1.1 To discuss and receive feedback (before Cabinet approval is sought) on the proposed Empty Homes Policy that sets out how we will deal with long-term empty properties within the two Districts.
- 1.2 To support the strategic priorities of providing more homes to meet local need and maximising the use of existing private sector housing.

2. OPTIONS CONSIDERED

- 2.1 Option 1 – Overview & Scrutiny to make comments and a recommendation to Cabinet for approval of the new Empty Homes Policy to ensure a fair and consistent approach to owners of long-term empty homes.
- 2.2 Option 2 – Recommend to Cabinet not to implement the new Policy. If the Council chooses not to consider the approval of the policy, then it is highly likely an increasing number of houses will fall into a state of dilapidation and anti-social behaviour will increase.

3. RECOMMENDATIONS

- 3.1 Option 1 - Overview & Scrutiny to make comments and recommendation to Cabinet for the approval of the new Empty Homes Policy, as set out in Appendix A of this report.

REASON FOR DECISION

- 3.2 There is a demand for housing in the Babergh and Mid Suffolk Districts and long-term empty properties, which could otherwise be made available for; sale, rent or owner occupation are a wasted housing resource and give rise to complaints.
- 3.3 If a Compulsory Purchase Order (CPO) is applied for, the Empty Homes Policy will help satisfy the Secretary of State of the process the Council has taken.

4. KEY INFORMATION

4.1 From data supplied by the Shared Revenues Partnership in March 2022, there were 446 long term empty properties which had been empty for longer than six months in Babergh and 528 in Mid Suffolk.

4.2 **Mid Suffolk** - Council Tax legislation identifies a property as a long-term empty home when it has been unoccupied and unfurnished for 6 months or more. Currently, if a property remains empty for more than two years a council tax premium of 150% is applied.

4.3 **Babergh** - Council Tax legislation identifies a property as a long-term empty home when it has been unoccupied and unfurnished for 6 months or more. Currently, if a property remains empty for more than two years a Council Tax premium is applied as set out below:

Empty properties in Babergh District Council

From 1st April 2019, when a property has been empty for over 2 years, a 'long-term empty premium' of 100% is applied. The rate of Council Tax payable is 200%. Prior to this date, the premium charge was 50%, making the previous rate payable 150%.

For the financial year beginning on 1 April 2020 the maximum premium is;

- Long Term Empty 2-5 years – 100%
- Long Term Empty 5 years and over - 200%

For the financial year beginning on 1 April 2021 the maximum premium is;

- Long Term Empty 2-5 years – 100%
- Long Term Empty 5 -9 years - 200%
- Long Term Empty at least 10 years and over – 300%

From 1st April 2021, properties that have been unoccupied and unfurnished for more than 10 years will be charged 4 times the standard amount. See the example below;

Council Tax	£1,500
300% Premium (10 Years & Over)	£4,500
Council Tax Payable	£6,000

4.4 A full-time Empty Homes Officer was recruited for Babergh & Mid Suffolk at the end of November 2021, following a restructure within our Private Sector Housing Team. Having a designated officer to focus solely on bringing empty homes back into use, is a sustainable way of increasing the overall supply of housing, and to reduce blight on neighbourhoods.

4.5 An additional Empty Homes Officer will be recruited to Mid Suffolk Council utilising the Strategic Priorities Reserve. This will be a 2-year fixed term or secondment.

- 4.6 In December 2021, there were 783 active applications on the housing register for Babergh District Council and 631 for Mid Suffolk. Bringing empty properties back into use will increase the supply of housing to help to meet local housing need and demand.
- 4.7 Tackling empty properties is a slow and complex process. There are a wide variety of reasons for owners not wishing, or not being able to return the property to use. Engaging and negotiating with these owners is key to success. The Council wants to engage positively and work with owners to find solutions.
- 4.8 The Empty Homes Toolkit sets out how we will proactively support owners, depending on their circumstances as to why a property might be empty. The Toolkit provides template documentation to support the Officer with potential enforcement options, should these be required. Enforcement options are limited but the Council can consider those outlined in the Policy at Appendix 1. The Policy outlines the different toolkit options.
- 4.9 A policy is essential to provide clarity to residents on how the council will act, as well as providing clarity around formal and informal options it may pursue, to bring an empty property back into occupation. It is important the policy is kept up to date to ensure it follows operational changes within the Council and legislative changes that may come into force. The policy must remain robust and be able to stand up to scrutiny should a member of the public, or a business, makes a complaint relating to the way the Council has handled their case and/or when the Council submits a Compulsory Purchase Order application to the Secretary of State.

5. LINKS TO CORPORATE PLAN

- 5.1 The Empty Homes Policy aligns with the vision set out in the Joint Homes and Housing Strategy (2019-2024),

Aim 1: The housing market functions effectively, providing homes which are as affordable as possible; to meet the needs of residents and support the local economy; and

Aim 6: Best use is made of private sector land and private accommodation across the districts.

6. FINANCIAL IMPLICATIONS

- 6.1 This policy has an existing allocated Capital Budget. Historically this budget has been underspent and this new Policy will increase expenditure against budget.
- 6.2 The 2022/23 capital budgets for the issue of Empty Home Renovation Loans are £100k for each Council. A covenant is applied to the deeds of the property to ensure the loan is repaid when the property is sold or transferred.
- 6.3 If a Compulsory Purchase Order (CPO) is required, legal expenses will be incurred to complete the legal process plus the purchase cost of the property. These costs will vary dependent on each case.

7. LEGAL IMPLICATIONS

- 7.1 The Shared Legal Service has reviewed the Policy and made amendments.

8. RISK MANAGEMENT

8.1 This report is most closely linked with the Council's Corporate / Significant Business. Key risks are set out in the table below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to bring empty homes back into occupation can result in complaints from neighbouring properties.	4 – Highly Probable	1 - Minimal	Members approve the proposed Empty Homes Policy, to ensure Officers can take proactive steps using the Toolkit.
If a Compulsory Purchase Order (CPO) is required, the Secretary of State will expect a Policy to be in place before making an Order.	4 – Highly Probable	4 - Disaster	Approve policy to enable CPOs to proceed with less challenge
Housing Need & Demand – Returning long-term empty properties back into use will help meet housing need.	4 – Highly Probable	1 - Minimal	Approve the policy to help facilitate properties being brought back into use
The Councils may be perceived to be untrustworthy and have a poor reputation by allowing long term empty properties to cause a nuisance and or annoyance.	4 – Highly Probable	1 - Minimal	Approve the policy to help facilitate properties being brought back into use

8.2 This policy aims to ensure that empty homes are brought back into use and seeks to reduce risks and enhance the Councils' reputation by working with owners of empty private residential properties to ensure that the homes are brought back into use. Without this policy owners of empty private residential properties would not receive support to help them to bring the property back into use. Consequently, empty homes may attract anti-social behaviour and/or criminal activity and have a detrimental impact on the surrounding community and impact the Councils' reputation. The

implementation of this policy will ensure that these risks are monitored and mitigated through the consistent implementation of this policy. There are no unintended effects, consequences or risks envisaged from the implementation of this policy.

9. CONSULTATIONS

- 9.1 Consultation has begun with our Shared Revenues Partnership (SRP) team to set up regular exchange of information to allow tracking of empty homes. Collaboration with SRP will assist with joint investigations into properties that may be classed as furnished and allegedly occupied when they could be a long-term empty.
- 9.2 Consultation has taken place with our Assets and Investment Team in how certain sections of the policy toolkit can impact upon and overlap with them, particularly with enforcement options and CPO's.
- 9.3 Communication is underway with our Planning and Heritage Teams to establish good working links for a more streamlined approach to investigations, identification of empty properties and potential solutions that may require planning consents.
- 9.4 Consultation with our Shared Legal Services Team has taken place as part of the process to bring this policy to Members. Parts of the Policy and Toolkit will impact upon and overlap with them, particularly enforcement options.

10. EQUALITY ANALYSIS

- 10.1 An Equality Impact Assessment (EIA) is not required because the policy is focused on buildings rather than individuals with a protected characteristic.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The Council currently receive complaints about long term empty homes. The complaints include the accumulation of waste, harbourage for rodents, pigeons and other pests. Long term empty properties are unsightly and attract ASB. Returning properties back into use will resolve these complaints and improve the local area.
- 11.2 Homeowners carrying out renovation work and improvements will be encouraged to increase the thermal efficiency of the property to a minimum EPC C if practicable and feasible.

12. APPENDICES

Title	Location
(a) Empty Homes Policy 2022	Attached

13. BACKGROUND DOCUMENTS

- 13.1 Compulsory Purchase Guidance [Compulsory purchase - general - Land Compensation Manual Section 1: Compulsory purchase - general - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/compulsory-purchase-general-land-compensation-manual-section-1)

13.2 The Housing (Empty Dwelling Management Order) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2021 [The Housing \(Empty Dwelling Management Orders\) \(Prescribed Period of Time and Additional Prescribed Requirements\) \(England\) \(Amendment\) Order 2012 \(legislation.gov.uk\)](#)

14. **REPORT AUTHOR** *Amanda Todd, Senior Environmental Health Officer*



Working Together

**BABERGH DISTRICT COUNCIL AND
MID SUFFOLK DISTRICT COUNCIL
EMPTY HOMES POLICY**



Published February 2022

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Introduction

There are many definitions of an empty home. Council Tax legislation identifies a property as a long-term empty home when it has been empty of people, furniture and or possessions for six months or more.

Since April 2019, if a property remains empty for more than two years, an Empty Homes Premium is applied, and additional Council Tax is payable. This policy will concentrate on returning properties that have been empty for over six months, back into use.

A long-term Empty Home is also defined as a property that has been unoccupied for six months or longer and has nobody occupying it on a regular basis, whether it is furnished or not. This is the definition Babergh and Mid Suffolk District Councils will use.

The government wants to increase the number of empty homes that are brought back into use, as a sustainable way of increasing the overall supply of housing, and to reduce blight on neighbourhoods. The government wants builders, investors, and local councils to increase the supply of repurposed empty homes.

In Babergh and Mid Suffolk, there are approximately 974 long term empty homes (February 2022). See Table 1 for a breakdown by Council. This is an unacceptable situation especially considering the pressure for affordable homes.

Table 1: Long Term Empty Homes by Council, based on Council Tax Data

	Babergh District Council	Mid Suffolk District Council
6-23 months empty	372	415
+24 months empty	74	113
Total	446	528

In some districts, evidence has shown that one empty house in a neighbourhood can cause significant blight, attracting vandalism, fly-tipping and resulting in adjacent houses becoming difficult or impossible to let out or sell.

Babergh District Council and Mid Suffolk District Council have a large number of privately rented housing, but there is still a need for affordable housing for those with young families and people wanting to get a foot on the property ladder.

By writing, publicising, and making full use of an empty homes policy, Babergh District Council and Mid Suffolk District Council will work towards preventing a property being left empty and bring an empty property back into use as affordable accommodation.

Aims & Objectives

Babergh and Mid Suffolk District Councils aim is to reduce the number of long-term empty properties within the districts by bringing empty properties back into use and discouraging owners from leaving them empty.

By achieving this, it will help alleviate a growing national housing need, offer more choice to the market, and prevent empty properties from becoming a blight within their residing neighbourhoods, improving the overall look of the area.

To achieve this aim, Babergh and Mid Suffolk District Councils' objectives are:

- Raise awareness of private sector empty properties across the districts, and commit appropriate resource within the council and utilise external partners, where appropriate, to tackle issues that arise
- Promote a range of advice and assistance available to owners of empty home residential properties
- Promote a loan that will financially assist owners of empty home residential properties with work to bring it back into use
- Bring empty properties back into use and increase the local and national housing supply
- Limit the number of empty properties becoming long term empties by utilising early initiatives and early intervention as part of investigations

To meet our objectives, Babergh and Mid Suffolk District Councils' will:

- Proactively utilise the empty homes toolkit including the use of enforcement action such as Compulsory Purchase Orders, Enforced Sale Procedures and Empty Dwelling Management Orders
- Target properties that are having an adverse impact on the neighbouring community or the sustainability of that neighbourhood
- Contact all owners of empty residential properties and advise them of the range of initiatives, options, and assistance available to them
- Monitor the number of empty properties within the districts of Babergh and Mid Suffolk and proactively contact any property owner where it is believed the property has been empty for a period exceeding six months
- Develop further initiatives and investigate ongoing legislation or resource that will allow us to proactively target and return long term empty properties to use

Most properties that become empty will often be returned to use via usual avenues (sale and lettings via local or national agents). However Babergh and Mid Suffolk District Councils' needs to have a range of responses and options available for properties that do not return to use via those methods.



Above left & right:
The same empty property before and after council intervention.

Background

There is a high demand for housing in Babergh and Mid Suffolk. Empty properties which could otherwise be made available for sale or rent are a wasted resource. In December 2021, there were 783 active applications on the housing register for Babergh and 631 for Mid Suffolk. Bringing empty properties back in to use will increase the supply of housing to help to meet local housing need and demand.

Babergh and Mid Suffolk District Council's has had an Empty Property Strategy since 2013.

Since then, a lot of work has been undertaken in bringing homes back into use through advice, the provision of renovation loan assistance, and the consideration and or action of compulsory purchase.

Initially, the Council's powers were limited with the only enforcement action available being compulsory purchase, which due to its complexity and resource required would only be used as a last resort.

The Housing Act 2004 introduced the use of Empty Dwelling Management Orders (EDMO's), these provided an additional enforcement tool to assist with bringing empty homes back into use. In January 2022, Babergh and Mid Suffolk District Councils implemented its Empty Homes Toolkit. The toolkit will help to increase the number of empty homes being brought back into use.

Empty Homes in Babergh and Mid Suffolk

Babergh District Council has approximately 446 homes (February 2022) homes that have been vacant for more than six months and Mid Suffolk District Council has approximately 528 homes (February 2022) homes that have been vacant for more

than six months. These homes are left empty for a variety of reasons, but there is a high demand for housing in the district that makes this figure difficult to understand.

Owning an empty home is not an acceptable choice for an owner, as all too often, the empty property becomes an eyesore and becomes an attraction for anti-social behaviour. The garden becomes overgrown, and the house begins to slip into a state of accelerating disrepair. A slipped slate or clogged gutter may cause rainwater to penetrate an adjoining property, whilst doing untold damage to the vacant house. Neighbours will become disgruntled at the increasing eyesore and local children may develop an interest in playing around the garden. Eventually someone may break in causing vandalism and anti-social behaviour, sometimes being occupied by squatters or a venue to sell or use drugs.

An empty, perhaps fire damaged, house may prevent a neighbour from selling or letting out their house. Consequently, a second house may become vacant in what ought to be a desirable street. If the council does not tackle empty homes, an increasing number of houses will fall into a state of dilapidation and anti-social behaviour will increase.

Targeting the problem

The Councils will target action against all houses that have been vacant for longer than six months. In special circumstances, action may be taken in respect of houses that have been vacant for less than six months, for example where an enforcement notice is outstanding.

The Councils will identify an empty property by liaison with the Council Tax service and the maintenance of an empty property database. The database will include all houses that have been empty for six months or longer. The database can also be used to electronically map the location of empty houses to identify any concentrations.

The public can report homes that are suspected to be empty via the 'Report Empty Homes' page on the Councils website:

Babergh - (<https://www.babergh.gov.uk/housing/private-sector-housing-grants/empty-homes/report-empty-homes/>)

Mid Suffolk - (<https://www.midsuffolk.gov.uk/housing/private-sector-housing-grants/empty-homes/report-empty-homes/>).

Once a report has been made, the Councils will investigate the ownership of the property and if necessary, make contact with the owner. The Private Sector Housing team may also receive reports of empty homes from other council departments such as planning or building control, or outside organisations such as the police or fire and rescue service.

Identifying and implementing solutions

Due to the varying reasons for an empty home being left vacant, there are no "quick fix" solutions to the problem of empty residential properties.

The Councils have a range of options available for dealing with empty homes. They will endeavour to initially advise owners on the ways they can bring a property back into use.

Where an empty property is causing a nuisance, or is affecting neighbouring houses, the councils will make use of current legal powers to minimise any nuisance whilst it continues to progress bringing the property back into use. This action may include securing the property or carrying out works to rectify disrepair that is affecting neighbouring properties e.g. dangerous structure, broken sewer.

Where a property has been empty for longer than six months, the councils will contact the owner to ask what they plan to do with the house and offer advice and assistance to help them return the property back into use. If the owner does not respond, or does not appear to be taking steps to bring the house back into use, the Councils will consider making use of one of the following options to ultimately bring the property back into use:

Empty Homes Toolkit

In January 2022, Babergh and Mid Suffolk's Private Sector Housing Service launched its Empty Homes Toolkit. The toolkit has:

- The most recent council tax list of properties that are registered with the council tax department as being empty,
- A calculator for scoring the level of risk an empty property poses to the community,
- A list of estate agents agreed to offer reduced fees for promoting, selling and letting empty homes,
- A list of a loan and schemes that are available to help bring empty homes back into use,
- A database of the long-term empty properties in Babergh and Mid Suffolk and a record of the actions that have been taken to bring them back into use,
- A number of letter templates that can be used to generate letters that provide advice and assistance to empty property owners,
- A log of the properties that have been brought back into use.

The Councils will use the toolkit to find empty properties, bring them back into use and to monitor and evaluate progress. The toolkit is designed to include schemes that can resolve every reason for a property being empty. If the property owner wants to sell the property, the toolkit has contact details for estate agents who offer reduced fees for the sale of empty homes. If the property owner would like to renovate and rent the property, the toolkit contains contact information to agencies that may be able to help.

Empty Dwelling Management Order

When a property has been unoccupied for at least 12 months, and the Councils feel that the property is unlikely to be occupied in the near future the Councils will consider making an Empty Dwelling Management Order (EDMO).

An EDMO allows the Councils to effectively 'step into the shoes' of the owner of an unoccupied dwelling. The Councils considers EDMO's to be a significant tool in tackling an empty property, preventing it falling into a state of disrepair and becoming a nuisance to neighbours.

An EDMO will be used when the property is in a habitable condition, or can be made habitable at a reasonable cost, and is likely to become occupied if an EDMO is made.

Private Sector Housing will work in partnership with Babergh and Mid Suffolk District Council's Property Asset Services Team who will take over the management of any properties that are subject to an EDMO. Those on the Council's housing register will be given the first opportunity of occupying the property.

Voluntary Purchase

Where contact has been made with an owner of a property that is in a very poor state of repair, the Councils will consider purchasing the property. A property that has been purchased voluntarily will be sold via the open market in a fair and transparent manner. This will allow other prospective home buyers an opportunity to own that property and to create a broader choice of properties available for purchase on the open market.

The use of voluntary purchase will only be used where all other enforcement action is deemed unsuitable or not cost effective.

Enforced Sale

Where the Councils are required to spend money in default following the service of a Statutory Notice (against the property/owner), if the owner does not repay those costs, the Council we will consider forcing a sale of the property to recover our costs.

Compulsory Purchase

The Councils will consider the compulsory purchase of a property where it is satisfied that the house is in a poor state of repair and/or it is unlikely to be brought back into use by the owner, and a clear public benefit would be achieved.

Such a benefit would include provision of affordable housing, improving the appearance of the neighbourhood and reducing anti-social behaviour.

Other Enforcement Powers

The Councils will use other available powers and work with other departments where additional or alternative powers are required, such as;

- Local Government (Miscellaneous Provisions) Act 1982 s29 to take action to secure an insecure property
- Prevention of Damage by Pests Act 1949 allows the Council to require and undertake works on behalf of an owner or occupier to prevent damage to buildings being caused by rats and mice (can include works to property or gardens)
- Public Health Act 1936 allows the Local Authority to require and undertake works on behalf of an owner or occupier to improve filthy and verminous properties
- Town and Country Planning Act 1990 s215 allows the Council to take action to require improvement of an unsightly building (including gardens).
- Sections 77 & 78 Building Act 1984 (dangerous structures).
- section 265 Housing Act 1985 (demolition orders).

Private Sector Housing – Empty Homes Renovation Loan

The Councils have a Private Sector Housing Renewal Policy that offers assistance to empty homeowners, to bring properties back into use.

Empty Homes Renovation Loan

How a loan is determined:

An Empty Homes Renovation Loan is considered following a survey and where a property has been empty for six months or longer and fails Housing Health and Safety Rating System (HHSRS). The HHSRS is a legislation tool, under the Housing Act 2004, the Council uses to determine if a property is fit for human habitation. The HHSRS consists of mainly two important levels for local authorities to consider. These are what type of hazard is presented in a property, and the level of likelihood and risk to harm. The level of a hazard outcome is known as; Category 1 and Category 2 hazards and each determine the action the Empty Homes Officer must or should take.

- A Category 1 hazard determines action 'must' be taken to reduce the seriousness it presents
- A Category 2 hazard gives an Officer the 'power' to consider action.

Further to the HHSRS, there is another part of the Housing Act to consider, the Decent Homes Standard. As empty homes are commonly left for long periods of time, old kitchen and bathrooms over 30 years old must be taken into consideration.

The Empty Homes Officer determines the level of essential works required for a property to make it habitable and which works will be covered by the Empty Homes Loan. The maximum empty homes loan Babergh District Council and Mid Suffolk District Council currently offer an owner is £20,000.

How to apply for an Empty Homes Loan:

The owner must complete an application and obtain at least two quotations for the works outlined by the Empty Homes Officer. Once the Officer has checked and is satisfied with application, the owner agrees and signs a 'Deed Agreement', which outlines the conditions and repayment of the loan. The application form and further information is available on the Councils websites.

Repayment of a Loan:

The Deed Agreement outlines the loan being repaid on the disposal of the property in question e.g. sale or transfer of the property. The loan conditions are recorded with Land Charges.

When a property is sold, the solicitors contact the Councils, clarifying sum to be repaid and the loan is repaid to the Councils.

The repayment timescales of a loan can vary, sometimes an owner's situation changes quicker than others but, its normally five years or more.

A loan is subject to the Council's application process, terms and conditions and the levels of grant aid available. Only in exceptional circumstances will the Councils consider giving financial assistance once enforcement action has commenced against an owner.

Loan Terms and Conditions

Written approvals for financial assistance will contain the terms and conditions which are attached to the loan. A Deed will be signed by the owner and sealed by the Councils prior to written approval being issued.

1. Information provided to the Councils by applicants as part of the application process will be thoroughly checked and verified. Applicants will be required to sign a declaration as to the accuracy of the information provided.
2. Applicants will normally be expected to submit at least two quotations for the eligible work. However, additional quotations may be requested. A single quotation may be acceptable where the Councils deems that the work is of a specialist nature.
3. Where fraudulent applications are received, the Councils may put forward a case for prosecution.
4. All applicants must provide a valid National Insurance number.
5. Discretionary financial assistance can be withdrawn at any time or approvals deferred subject to budget provision.
6. Applicants must be 18 years old or older.

7. Prior to approval of any financial assistance proof of ownership will be required. This will usually be through a Land Registry proof of title.
8. Applications will not be accepted for works that have already started or have been completed.
9. The cost of preliminary or ancillary services, fees and charges can be included in the calculation for assistance. However, costs will be considered on an individual basis and considered for reasonableness. Any payment is conditional on the loan being approved and the completion of the specified works.
10. Where there are alternative external sources of funding available, applicants may be referred to these schemes.
11. The eligible work must be carried out by one of the contractors who provided a quotation. Where none of the contractors who submitted quotes are able to carry out the work, further quotations will need to be sought.
12. Except in exceptional circumstances, the lowest priced quotation will be used to determine the financial assistance approved.
13. Where work is carried out by the applicant, or someone related to the applicant, financial assistance will only be available for the cost of the materials, not labour costs.
14. Upon completion of work, it will be expected that the property will meet the minimum statutory standards.
15. The costs of unforeseen work will only be considered where it is considered that it is essential for the completion of the eligible works, up to the maximum £20,000 loan limit. Payment will only be made where written approval for the additional costs have been obtained from the Councils.
16. All payments shall be conditional upon receipt of an acceptable invoice. Payment will be made direct to the contractor following agreement from the applicant and the Councils that the work has been satisfactorily completed. Where the applicant has paid the contractor, payment will be paid to the applicant upon receipt of proof of payment.
17. The applicant employs the contractor to undertake the eligible work and the Councils have no contractual liabilities in that relationship. The role of the Councils is to administer the financial assistance process.
18. The applicant has ultimate responsibility for ensuring the quality of the completed works.
19. Interim payments will be considered.
20. Work must be completed within 12 months of approval unless additional time allowed at the time of approval.

21. It is the applicants' responsibility to obtain all necessary approvals for the work being undertaken. This includes Planning Permission, Building Regulations and Listed Building Consent.
22. Where repayment of a loan is required and the applicant fails to make the necessary arrangements, the Councils will seek to recover the money through the courts which may involve obtaining a charging order.
23. Applicants will not be entitled to financial assistance if they have deliberately or unreasonably worsened the condition of their property.
24. On completion of the work, a local land charge will be registered. The full loan amount will be repayable upon sale or transfer of the property.

Approach to enforcement

In line with the Councils enforcement policy, a graduated approach to enforcement will be taken when bringing empty homes back into use. The Councils will contact the owner if the property has been empty for more than six months. The Councils will treat properties that have been empty for more than 12 months as a priority. The Councils aim to educate first, encourage second and then, if necessary, enforcement action will be considered. This maximises the opportunity for the property owner to take action themselves to bring the property back into use, without enforcement action from the Councils.



Second Homes

There are instances where properties are listed as second homes for Council Tax purposes (furnished) or are described as second homes for various reasons by their owners.

The Council acknowledges that there are genuine legitimate reasons for properties to be used as a second home, however there are instances where this is not the case, and a property is simply remaining empty and unused.

This section therefore aims to set out guidelines as to when Private Sector Housing, aside from any Council Tax declarations, will apply the Empty Homes Policy and Toolkit for investigation as an empty home, rather than conclude that the property is used as a second home.

Table 1 outlines factors for and against a property to be considered as a second home and Table 2 sets out examples of evidence that owners can provide to support the use of a property as a second home.

Properties where owners cannot demonstrate the use of the property as second home will be investigated in line with the Empty Homes Policy and Toolkit.

Properties that are reported to the Councils as potential empty homes that are listed as second homes will be investigated, unless previously investigated and a decision was made not treat as an empty home within the last 12 months.

Table 1 – Factors for and against a property used as a second home

Factors For	Description
Holiday Homes	Holiday homes for those who live outside of Suffolk or are rented by the owner as a holiday let.
Weekday or Weekend Home	Second homes for those living outside of Suffolk but working in the Babergh/Mid Suffolk area and thus utilising the property as weekday or weekend accommodation. Or vice versa where the Suffolk property is their main residence, but the owner is accommodated elsewhere on weekdays/weekends.
Closer to local services	Second homes for those who live in or outside of Suffolk but use the property for weekday or weekend accommodation for closer access to healthcare arrangements or such other essential facilities deemed appropriate. Owners may be eligible for Council Tax carer exemptions and should therefore contact with the Council Tax department as to whether a second home classification is most appropriate.
Factors Against	Description
Distance from main residence	Second homes where the owner's main residence is also in the Suffolk boundary or close to Suffolk with no reasonable reason why a second home would be needed may be considered as an empty home. A property claimed as a second home, but where the owner's main residence is a considerable distance from Suffolk might also suggest that the property is not being used as a second home legitimately.
Inherited properties	Inherited properties that remain empty and unused because they are desired to be kept within the family name or being left empty as a potential investment. The property should not be left empty indefinitely and interim plans such as rental should be considered.
Furnished but not used properties	The presence of furniture does not show a property is used and other factors such as energy usage must be provided for the property to be considered a second home. Properties used simply for storage are a wasted asset that could be used as a home.

Disrepair/condition of the property	Properties that do not have the essentials for use as a home such as water supply, fixed heating, working electrics etc. A property not maintained and gradually falling into disrepair such as slipped tiles, leaking guttering and rotten timbers is likely to be more indicative of a property not used as a second home and indicative of an empty home.
Boarding	Boarded windows or doors brings the appearance of a neighbourhood down and is likely to attract unwanted attention to the property. Boarded properties are likely to be more indicative of a property not used as a second home and indicative of an empty home.
Rubbish accumulations/ Overgrown gardens	Unmaintained gardens and fences, properties attracting littering or used for hoarding of objects are indicative of an empty home.
Complaints	Complaints from local residents and immediate neighbours about a property remaining empty are more indicative of an empty home. Use of the property, bin collections and other factors against suggest an empty home rather than one used as a second home.
Anti-social behaviour/Squatters	Anti-social behaviour from unauthorised access or squatters accessing the property provide evidence that a property is not being used as a second home.

Table 2 - Examples of evidence to support the use of a property as a second home

Type of proof	Description
Gas usage	Copies of actual (not estimated) gas bills for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends throughout the year or mid-week usage equivalent to six months usage.
Electric usage	Copies of actual (not estimated) electric bills for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends through the year OR mid-week usage equivalent to 6 months usage.
Water usage	Copies of water meter reading bills (not set tariff) for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends through the year OR mid-week usage equivalent to six months usage.
Booking Confirmations	Copies of booking confirmations for use of property as a holiday home, or equivalent information
Officer inspection	A Council Officer inspection to help evidence the property's internal condition and suggest use as a second home.

Contact Babergh District Council and Mid Suffolk District Council – Private Sector Housing, Housing Solutions, for more information.

Email: housingstandards@baberghmidsuffolk.gov.uk

Address: Empty Homes Officer, Private Sector Housing, Endeavour House, 8 Russell Road, Ipswich, IP1 2D

Policy will be reviewed every 36 months if not before. Next review date January 2025.



Agenda Item 9

BABERGH OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2021/22:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER	PREVIOUSLY PRESENTED TO COMMITTEE
25 APRIL 2022 – JOINT				Chair: Cllr Keith Welham
Draft Empty Homes Policy	A review of the Draft Empty Homes Policy.	Assistant Director - Housing	Cabinet Members for Housing	
23 MAY 2022 - JOINT				Chair: Cllr Mary McLaren
Review of the Overview and Scrutiny Committee 2021/22	Review of the work conducted throughout 2021/22 – Lessons learnt, improvements and achievements	Corporate Manager – Governance and Civic Office Senior Governance Officer		
27 JUNE 2022 – JOINT				Chair: Cllr Keith Welham
CIFCO Performance Report and Business Plan	To scrutinise the Business Plan	Assistant Director for Assets and Investment	Cabinet Member for Assets and Investments	28 June 2021 JOS/21/2
18 JULY 2022				
The Infrastructure Delivery Plan	Scrutiny of the infrastructure Delivery plan before being presented to Cabinet.	Assistant Director for Planning and Building Control Professional Lead for Key Sites and Infrastructure		
22 AUGUST 2022				
19 SEPTEMBER 2022				
24 OCTOBER 2022				

Topics identified for review but not currently timetabled:

Improving Access to the Private Rented Sector - Chairs to discuss the timing for bringing this to Committee

Scrutiny of the delivery of services for Transport for both Town and rural areas.

The Census reports to be scrutinised in 2022

Scrutiny process with SCC for Anti-Social Behaviour - To be considered for between December 2021 and February 2022.

Other topics identified:

- Suggestion: Scrutiny of ABS projects and policies – Suggested at the meeting on the 22 March 2021
- Review of Suffolk Association of Local Councils (SALC) and the support they provide to Parishes across Babergh and Mid Suffolk.
- Information Bulletin updating Members on the Electronic Complaints system.
- Scrutiny of the Cabinets' Communication and Sharing of Information
- Stella Maris Review
- Land Adoptions Policy
- Information Bulletin on the cost of maintenance of tenanted properties.

Agenda Item 10

MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2021/22:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER	PREVIOUSLY PRESENTED TO COMMITTEE
25 APRIL 2022 – JOINT			Chair: Cllr Keith Welham	
Draft Empty Homes Policy	A review of the Draft Empty Homes Policy.	Assistant Director - Housing	Cabinet Members for Housing	
19 MAY 2022 – JOINT			Chair: Cllr Mary McLaren	
Review of the Overview and Scrutiny Committee 2021/22	Review of the work conducted throughout 2021/22 – Lessons learnt, improvements and achievements	Corporate Manager – Governance and Civic Office Senior Governance Officer		
27 JUNE 2022 – JOINT			Chair: Cllr Keith Welham	
CIFCO Performance Report and Business Plan	To scrutinise the Business Plan	Assistant Director for Assets and Investment	Cabinet Member for Assets and Investments	28 June 2021 JOS/21/2
14 JULY 2022				
The Infrastructure Delivery Plan	Scrutiny of the infrastructure Delivery plan before being presented to Cabinet.	Assistant Director for Planning and Building Control Professional Lead for Key Sites and Infrastructure		
18 AUGUST 2022				
15 SEPTEMBER 2022				
20 OCTOBER 2022				

Topics identified for review but not currently timetabled:

Crime and Disorder Panel meeting

Required to take place at least once a year, provisionally agreed to take place in March 2022.

Improving Access to the Private Rented Sector - Chairs to discuss the timing for bringing this to Committee

Scrutiny of the delivery of services for Transport for both Town and rural areas.

Scrutiny of the Infrastructure Delivery Plan

The Census reports to be scrutinised in 2022

Scrutiny process with SCC for Anti-Social Behaviour - To be considered for between December 2021 and February 2022.

Other topics identified:

- Suggestion: Scrutiny of ABS projects and policies – Suggested at the meeting on the 22 March 2021
- Review of Suffolk Association of Local Councils (SALC) and the support they provide to Parishes across Babergh and Mid Suffolk.
- Information Bulletin updating Members on the Electronic Complaints system.
- Scrutiny of the Cabinets' Communication and Sharing of Information
- Land Adoptions Policy
- Information Bulletin on the cost of maintenance of tenanted properties.