

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/government/uploads/system/uploads/attachment_data/file/612222/Compulsory_purchase_-_general_-_Land_Compensation_Manual_Section_1:_Compulsory_purchase_-_general_-_Guidance_-_GOV.UK_(www.gov.uk).pdf)

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*