

Empty Property Strategy

Updated: December 2015



Brighton & Hove
City Council

Aims of this Strategy

- 1. Increase housing supply by bringing privately owned residential empty properties back into use**
- 2. Improve neighbourhoods by reducing the number of empty homes**
- 3. Identify opportunities for additional homes in non-residential commercial empty buildings and vacant land**
- 4. Reduce the number of properties becoming listed as long term empty by working with owners at an early stage**
- 5. Support local communities adversely affected by empty property and provide a customer driven service for owners, neighbours and those seeking to bring an empty property back into use**
- 6. Be the contact point within the council and the city for this work**
- 7. Promote the benefits of turning empty properties into homes at a local and national level**

Why do we need an Empty Property Strategy?

Brighton & Hove is a bright, vibrant city and popular place to live. Even with recent changes to the economic landscape housing need remains high and many local people cannot afford to buy or rent a suitable home. There remains a need for more housing of all kinds.

In the five years between 2010 to 2015 more than 800 empty properties were returned to use as homes – that means 800 families, couples or individuals housed in the city, including 99 homes leased and managed by the council for local people in housing need. It also means improvement to the local area as properties are refurbished and returned to use.

The Empty Property Team consistently oversees the return to use of more than 150 homes each year but despite this excellent performance there is more work to be done. A significant number of residential properties remain empty for more than six months and other non-residential properties remain unused even though they offer potential to be turned into homes. These properties can be rundown as well as empty, making neighbourhoods feel shabby and uncared for.

The majority of empty property in the city is privately owned. So why do people leave their property empty when bringing it back into use would benefit both themselves and the local community? There can be complex reasons behind why a property is empty. Often owners do not know how to get their property back into use, and sometimes they simply don't seem to have an interest in doing so.

The city's way of dealing with empty properties is highly effective and innovative, working closely with the private sector (where most empty properties can be found). Brighton & Hove was among the first local authorities to establish a Strategy addressing this specific issue. In recent years national government policy has, in some respects, caught up with local initiatives in terms of recognising this key housing issue. Since 2010 a number of new initiatives have been established to that recognise the importance of empty properties as a housing resource.

Our Empty Property Strategy has proved successful for a number of years and now we are adopting a web based approach which allows regular updates reflecting a positive approach to dealing with the issue. This also enables fast responses to changes in legislation and new initiatives. The strategy will be available on the council website along with related factsheets and useful links providing related information to help deal with the blight of empty properties.

This strategy sets out how we will continue to work with the owners of property and with local communities to make empty, wasted property a thing of the past.

The Brighton & Hove approach

Brighton & Hove has a long and strong history of dealing with empty properties going back to the time when the two towns were separate authorities. There is a dedicated Empty Property Team based in the Housing Strategy team.

The importance of empty property as a wasted housing resource is reflected in the council's **Housing Strategy 2015**. Empty homes are included in both Priority 1: Increasing Housing Supply outlining links to community housing sector /housing co-operatives, and Priority 2: Improving Housing Quality - reflects the work undertaken returning privately owned empty properties to use as homes.

Dealing with empty property can be a complex process and involves working with a range of people across the council and in the wider community.

Working with owners

We always start by trying to work with owners of property – they are given the opportunity to contact the Team for help and advice to get their property back into use. An 'Information for Owners of empty property' factsheet can be found on the web page outlining the routes available and providing useful information.

Working with the community

Neighbours often suffer the most negative affects of empty property. The owner generally lives elsewhere so is not faced with the day to day issues. The Empty Property Team aims to involve neighbourhoods in reporting empty properties that are causing them concern –this is a key factor taken into account when assessing a property for further action.

Working with those seeking a property

As well as neighbours, there are people that are seeking a place to buy or rent in Brighton & Hove and would welcome the opportunity to access a property in need of some repair works. These can be individuals, developers, housing co-operatives or community groups. Identifying an empty property can be less straightforward than it seems – some properties appear abandoned but are occupied. We provide information on our 'Finding an empty property in Brighton & Hove' factsheet on the web page.

The council is unable to provide lists of properties as the information comes from council tax records which are a data protected source. Details of this can be found in our 'FOI Act and Lists of empty property' factsheet. Our commitment to seeing properties returned to use includes a service that puts potential buyers/ renters in touch with those selling an empty property through our Investors List.

Working within the council

The empty property team works with colleagues across the council to ensure the effectiveness of the empty property strategy. Key partnerships include: private sector housing and planning colleagues through EPEG (Empty Property Enforcement Group) which has led to great success in using a variety of enforcement options against empty properties. The team also work with regeneration; economic development; conservation and legal teams as needed.

There is an essential working link between the Empty Property Team and Council Tax colleagues - including a NHB (New Home Bonus) Initiative - to ensure cross working benefits.

Working with external partners

Partnership working is essential for dealing with empty properties and the strategy aims to involve not only the people listed above but other groups with an interest in the issue including Housing Co-operatives and other community housing providers, community and self-help groups and local neighbourhood groups.

Regional / national connections

Brighton & Hove is a key member and Chair of the Sussex Empty Homes Forum (SEHF). This consists of local authorities in East Sussex and West Sussex, and Brighton & Hove. This Forum exists to share good practice and support for empty property work across the region. SEHF links in to the two national campaigning bodies for empty homes namely: Empty Homes Network –set up and run by those working in empty property jobs - and Empty Homes (campaigning charity).

Innovation

Brighton & Hove's award-winning empty property team is already recognised as innovative in dealing with empty homes and is regularly invited to speak about the process used by the council in dealing with empty homes. The sympathetic yet systematic approach is truly effective and more than 150 properties are returned to use as homes each year through these endeavours. This was recognised with the team winning the National Empty Property Practitioners of the Year award in 2011.

Government thinking

The world of empty properties is going through changes as the economic climate adjusts. National government appear to have caught up with local feeling regarding the potential of empty homes in helping to answer housing need, with some recognition of the complexities involved. A number of positive steps have recently been announced and/or come into effect including:

From 2011 - Changes to New Homes Bonus scheme (which recognises and rewards the creation of additional homes) to include empty homes brought back into use for the first time. The Empty Property Team work closely with Council Tax colleagues to ensure information is up to date and to maximise the potential income provided by the inclusion of empty homes in this calculation.

Also in 2011 – The National Housing Strategy included a section on Tackling Empty Homes and introduced a funding programme through the Homes & Communities Agency (who also fund Registered providers / Housing Associations) which has been used to bring a number of properties back into use in the city.

From 2012 – An Empty Homes Premium was introduced through council tax allowing councils to charge an additional 50% for properties which remain empty for two years. This marked the end of a system that had previously 'rewarded' empty homes with a council tax discount - now it provides an additional incentive for owners to get properties back into use.

November 2015 - Autumn spending statement announces the intention to consult on reforms to the New Homes Bonus.

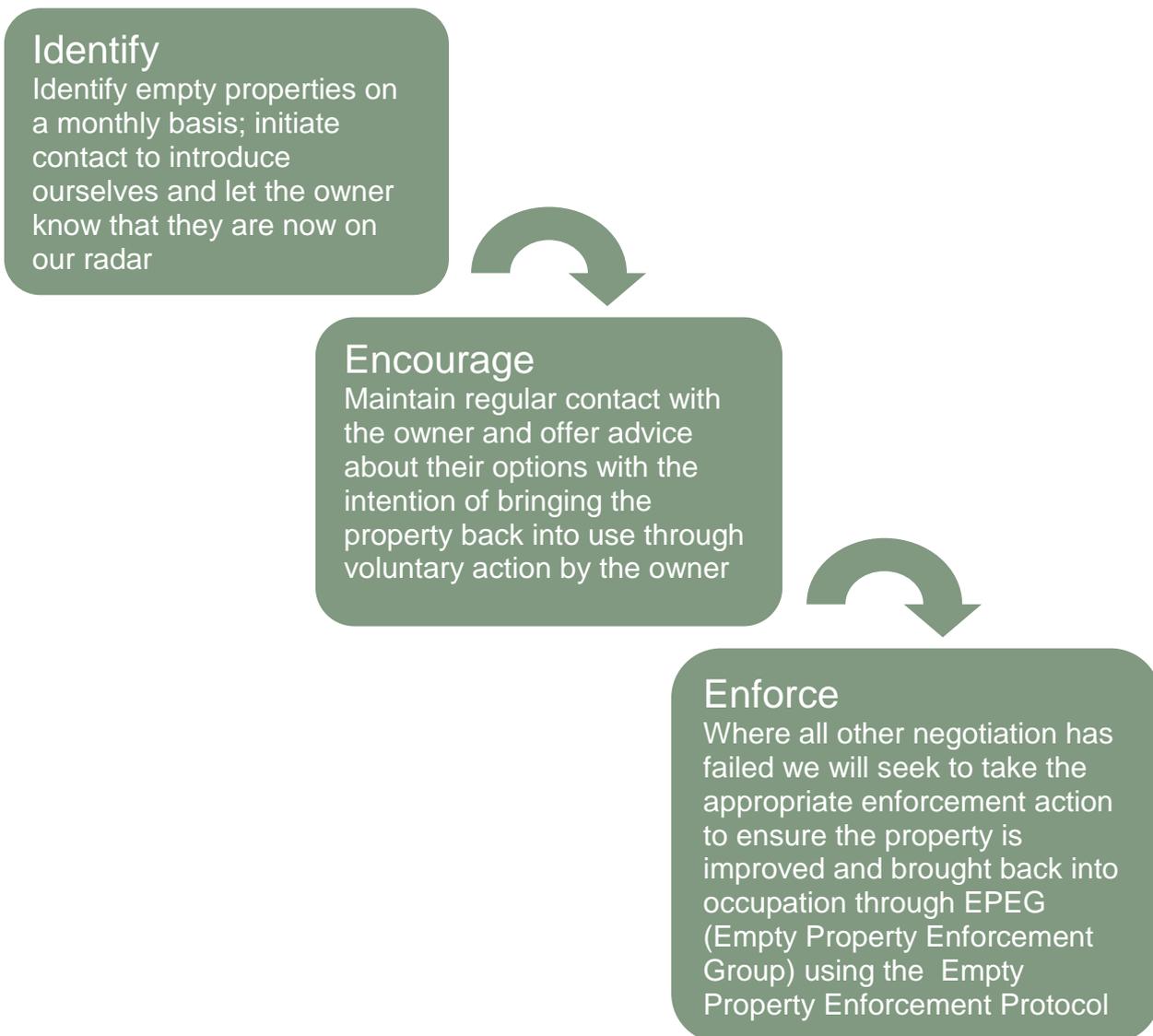
Brighton & Hove Strategy

The starting point of our empty property strategy has always been to work with the property owners where possible. Each empty property is different and there are many reasons why they become, and then remain, empty. These reasons can be sensitive and it is important to adopt a positive and understanding approach when dealing with the owners.

However, it is also important to be committed to the principles of this strategy and recognise that an empty property is a blight on a neighbourhood and a wasted resource. Owners should know that while we would prefer to work with them non-action is not an option.

Ownership equals responsibility for the property and for any negative impact the property causes through neglect or inaction. Ultimately owners have choices: they can live in the property themselves; they can allow someone else to live there by letting it or they can sell the property and allow someone else to take on the responsibility.

The strategy aims to remove the owners reasons for non-action and steer them to a positive outcome. We do this through a three stage process:



Identify

The first step is identifying where the property is and who owns it. This is not always straightforward: a rundown property may appear empty, but is actually someone's home, whereas a tidy house with curtains up may have been empty for years.

The core information about empty properties is collected through council tax records. Council tax information is data protected but permission to use it for the purposes of bringing empty property back into use was introduced in the Local Government Act 2003. This allows an updated list of empty properties in the city to be forwarded to the empty property team each month. This list is not available to the general public.

We are also contacted by members of the public and members of staff who may spot possible 'empties' when going about their jobs and local councillors who often become aware of empty property through their local knowledge.

Other than council tax records we also liaise with other council departments – environmental health, planning, building control – talk to neighbours, carry out land registry searches and check the probate office. We have traced people as far away as USA and Egypt – once the owner is identified then we can contact them and try to work with them to get the property back into use.

The reasons why people leave property empty can vary enormously. Sometimes there are sensitive issues – like a property where the owner has gone into residential care but has an expectation of returning, or where a property is subject to probate or a legal dispute of some kind.

With other properties the reason for their remaining empty is less sensitive and less understandable such as a property left empty because the owner, who lives elsewhere, sees it as a long-term investment and does not want the 'hassle' of renting it out.

Encourage

Whatever the situation, we want to see the property returned to use. Once we know where they are we will contact the owner directly, meeting them at the property where necessary. We will outline the options, providing information that may assist them in deciding what to do.

Key options for owners are to live in the property themselves; rent the property out or sell it on to someone else who will bring it back into use. Within these options there are questions to be asked, for example

- Does the property require any refurbishment works to make it habitable (i.e. that someone can safely live in it). If so, does the owner have funds available or are they able to raise the funds needed. Are they interested in any funding options that may be available?
- If they do intend to carry out works at the property are they aware of current VAT rates and reductions that apply to empty properties?
- Will they need planning advice for any proposed works and do they need help in finding a builder or consultant to assist them with the works?

- If they intend to rent, would this be privately or through a council run scheme? What options are available? Are they aware of the schemes the local universities operate?
- If they are planning to sell would they like a list of people who have expressed an interest in buying an empty home possibly in need of renovation works? We can forward details to our 'Investors' (a list of people who are interested in buying an empty property) and offer guidance on looking for estate agents and letting agents locally.
- Has the property been the subject of any complaints? It may be necessary to take action against the owner if there are issues such as a build up of rubbish, vermin, nuisance or if the condition of the property is affecting the local amenity.

Up to date information to assist owners in bringing the property back into use is sent direct to the owners and also available on the council's website as a factsheet:

A series of contacts are made so that owners are given every opportunity to return their property to use themselves – this would always be our preferred option. However, some owners will find reasons for not doing so – the empty property action plan aims to remove these reasons – preferably working with the owner but, if necessary, looking at other options.

If no progress has been made in moving the property forward towards reoccupation after contact has been made, then the property is assessed and given a 'score' based on time empty; number of complaints; condition of the building and affect on the local amenity.

Scoring all properties on the same basis means that properties are dealt with consistently and the procedure is transparent. This is essential if the final stage of the strategy has to be followed.

Enforce

Enforcement action through the empty property strategy is designed to ensure the re-occupation and / or refurbishment of empty property in the city. The decision to take enforcement action is never taken lightly. At all times the empty property team will maintain or try to establish direct contact with the owner and offer them advice regarding bringing the property back into use without the use of enforcement action.

The Empty Property Enforcement Protocol outlines what action the council can take and in what circumstances it will be taken.

Enforcement action will be considered where a property has been empty for at least one year and where it is believed that the property is unlikely to be brought back into use within a further year without such action. Enforcement action can be taken against individual properties; group properties (i.e. those with more than one unit of accommodation in them) and vacant land sites.

This will be taken forward by the Empty Property Enforcement Group (EPEG), made up of officers from related teams: empty property; private sector housing; planning enforcement; conservation; building control and legal services. Action taken as part of the empty property strategy could be on top of action taken for issues such as vermin, rubbish or allowing the property to fall into such disrepair that it is having a detrimental affect on the local amenity.

The enforcement group will discuss and assess enforcement options for each property that reaches this stage. Once the enforcement action has been assessed and agreed this will be pursued, always through the applicable council approval process.

There are a variety of enforcement powers, under several different pieces of legislation that can be used to deal with an empty property. These range from the use of S215 planning powers which require the appearance of a property to be improved, to Compulsory Purchase Order (CPO) of a property (removal of ownership) under Housing Act powers – which is the ultimate sanction.

Summary of options:

Action	Procedure	Implication for owner
PRE-ENFORCEMENT OPTIONS FOR OWNER TO RETURN PROPERTY TO USE		
Owners can live in the property themselves, or let or sell the property	Advice given on the range of options in repeated letters.	Voluntary scheme Potential rental income Potential capital income if sold Costs if works needed
Lease to council (pre-enforcement)	BHCC Leasing scheme for set period Properties to meet a set standard	Voluntary scheme Eligibility issues Guaranteed rental income Property management provided Costs if works needed
ENFORCEMENT ACTIONS FOR OWNER TO IMPROVE PROPERTY		
S215 of Town & Country Planning Act 1990	Requires the owner to undertake works to improve the appearance of the building/ site. BHCC recoups costs	Financial cost : council can carry out Works in Default and place charge on the property which could lead to Enforced Sale (see below)
Improvement Notice HHSRS (Housing Health & Safety Rating System) Housing Act 2004	Requires the owner to undertake work to remedy any Cat 1 Or 2 hazards as defined in the HHSRS	Financial cost: council can carry out Works in Default and place charge on the property which could lead to Enforced Sale (see below)
Various other powers – relating to faulty drainage; vermin;	Require specific works to the property	Financial cost: council can carry out Works in Default and place charge on the property which could lead to Enforced Sale (see below)
ENFORCEMENT ACTIONS WHICH CAN REMOVE OWNERSHIP		
Enforced Sale	Allows the council to require sale of a property to recover a debt / charge held against the property (i.e. where the council has carried out works through another action).	Loss of property – owner receives market value of the property as agreed / when sold LESS any outstanding charges to the council
CPO (Compulsory Purchase Order)	S17 Housing Act 1985 – CPO on basis of both quantitative and qualitative gain.	Loss of property – owner receives market value of the property as agreed / when sold

Details of how these powers may be used by the council are outlined in the Empty Property Enforcement Protocol below.

Empty Property Enforcement Protocol

This protocol outlines what enforcement processes are available; how properties are selected for action, and what consideration is given to the circumstances of the property/owner. .

Enforcement is only considered following repeated attempts to contact and/or engage the empty property owner through the existing processes or where a property is causing immediate danger or concern in the local neighbourhood.

The following stages will always be followed pre any enforcement action.

1. Identification and initial contact:

- Empty property team standard contact starts at twelve months (more than half of all empty properties empty at six months will be back in use at twelve months through natural market turnover) . Properties causing concern in the local neighbourhood will be accelerated through the enforcement process.
- Minimum of three letters outlining options available to owners and possible/potential action.
- A response to a letter will halt the process but lack of action on returning the property to use can trigger it to re-commence at any time.

2. Assessment and scoring:

If the property is not returned to use and/or there is no reasonable proposal confirming when it will be returned to use, the property is scored based on:

- Time empty 30% weighting
- Neighbourhood impact 40% weighting
- Complaints / official contact 30% weighting

Score range: 60 minimum (empty one year) to 295 maximum

- High priority : ≥ 120 points
- Medium priority: 100 to 119 points
- Low priority: < 100 points

Through this system priority for action is given to properties that have been empty long term and/or are causing nuisance.

3. Empty Property Enforcement Group (EPEG)

Properties receiving a High priority score are automatically referred to EPEG for consideration of which enforcement action/s are most appropriate.

EPEG is a multi-disciplinary group involving professionals from teams across the council: empty properties; private sector housing; planning; conservation; building control and legal services as required.

Information

Empty property is a community issue – it affects us all. Whether you live near a rundown property and are worried about it attracting anti-social behaviour or you know someone who is seeking housing and struggling to find somewhere to live. We want to work with residents across the city to identify and act to bring empty properties back to use.

As part of this we want to provide as much information as we can to local people regarding our service. Please see our updated web page for details.

Report an empty property

There is an online reporting facility on the Empty Properties web page, so that owners or neighbours can report empty property.

What is an ‘empty property’?

The definition of ‘empty property’ can be quite complicated – some properties are empty but with a good reason – i.e. the owner is recently deceased and the property is in probate or the owner is staying elsewhere to give or receive care (and other reasons). Properties where these reasons apply are not generally acted upon within our empty property strategy (unless they are causing extreme concern locally). Since April 1 2015 property that is unoccupied automatically becomes listed as an empty property. Details of recent changes to council tax exemptions can be found on the council’s website.

The key category where action is taken is a category called ‘long-term empty property’. This is usually property where one of the above exemptions has been in place and then runs out and is generally to be accepted as long term empty when it has been empty for six months. Property is charged full council tax rate as a long-term empty, and if it remains empty for two years it will attract Empty Homes premium and pay 150% of council tax. These are the properties that the council concentrates on as they are often empty without good reason.

Empty property numbers

Any calculation of the number of empty properties in the city can only ever be a ‘snapshot’ on any given day – as some properties will be returned to use the following day and others will become empty. The numbers will also vary depending on what properties are counted as empty (as outlined above). There are around 124,000 residential dwellings in the city and the number of these that are classed as long-term empty (as defined for the New Homes Bonus) is around 700 (702 at October 2015 NHB return) or 0.5% of all dwellings in the city. As properties become occupied so others become empty, but the underlying trend has been downward, the New Homes Bonus number in 2009 was 902, helped by the excellent cross-working of teams in targeting properties and coaxing them back into use.

The vast majority of these long term empty properties are privately owned – around 90%. Of these, most are owned by individuals who may have inherited the property or bought it as an investment. Others are owned by companies, Trusts, charities and other miscellaneous corporate owners.

The empty property strategy deals mainly with privately owned long term empty residential property, but does also get involved with empty commercial properties. All owners will be approached and dealt with in the same transparent manner.

Performance

Since 2010, 804 privately owned empty properties have been returned to use as homes in the city through the council's empty property strategy (and more than 2100 since the Strategy was introduced in 2001). That means 804 families, couples or individuals housed in the past five years. This includes 99 properties leased to the council to answer pressing local housing need, and 45 properties returned through some form or threat of enforcement action.

The number of properties returned because of enforcement action is trending upwards due to joint working across teams to highlight problem properties and co-ordinate suitable action through EPEG (Empty Property Enforcement Group). The updated Empty Property Enforcement Protocol included in this Strategy outlines actions that can and may be taken by the council.

The funding previously used to provide grants for empty properties requiring works ended in 2011.

The team successfully supported community groups to return 2 empty properties (housing nine people) back to use in 2013, using a community empty homes fund, and currently supports the YMCA empty homes initiative funded through HCA (Homes & Communities Agency). This has returned two properties to use as much needed homes so far.

The empty property strategy will continue to target empty properties and seek to develop further initiatives which get more properties returned to use as homes across the city.

Factsheets

The following factsheets can be found via the council's Empty Property webpage

- **Information for Owners of empty property** - tips for getting an empty property back into use
- **Finding an empty property in Brighton & Hove** – with useful information about how to search for an empty property including when and how the empty property team can help
- **FOIact for empty properties** – outlines the council's position regarding FOIact enquiries on empty properties

The council's Empty Property web page also has case histories, useful links and the facility to report any property causing concern.

Contact the Empty Property Team

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