

Uttlesford District Council
Public Services

Private Sector Housing
Empty Homes Policy

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Empty Homes Policy

POLICY STATEMENT

Uttlesford Council will ...

- Follow this policy for the purposes of returning empty homes back into use. In doing so, it will have regards to the process outlined within the policy, including decisions to prioritise high impact assessed properties for enforcement action.

AIMS OF POLICY

- Reduce the amount of long-term (those empty for six months or more) empty homes in the district.
- Provide owners with advice and assistance to prevent properties becoming empty for a prolonged period.
- Outline the legislative tools available to bring long term empty properties back into use.

1. INTRODUCTION

- 1.1 The purpose of this document is to outline the council's approach to bringing back into occupation private residential homes in the district which have become empty.
- 1.2 In defining its approach to dealing with empty homes in Uttlesford, the council seeks to:
 - a) Bring as many privately-owned empty homes as possible back into full and continuous residential occupation
 - b) Minimise the length of time a privately owned home stands empty
 - c) Reduce blight and nuisance caused by empty privately owned homes
 - d) Help meet local housing need in Uttlesford District Council

2. NATIONAL CONTEXT

- 2.1 The Government has set out its commitment to bringing empty homes back into use in its 2011 "Housing Strategy for England, Laying the Foundations". Key actions contained within this strategy included:
 - a) awarding the New Homes Bonus (NHB) to empty homes brought back into use
 - b) investing £100 million funding to bring problematic empty homes back into use and
 - c) announcing £50 million of further funding to tackle some of the worst concentrations of empty homes.
 - d) empowering local authorities to implement a levy or 'empty homes premium' on the Council Tax payable for those properties which have been registered as being empty for 2-years or more.
 - e) Changes to Empty Dwelling Management Orders to target their use on the very worst long-term empty homes which have become dangerous or are causing a nuisance to neighbours and the wider community.
- 2.2 In response to further pressure, in 2018 the government introduced The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act, allowing councils to charge double the rate of Council Tax on homes left empty for two years or more.
- 2.3 Recently there have been calls for a new Nationally Funded Empty Homes Programme, with funding devolved to local councils so that can choose the right mix of 'stick and carrot' measures to deal with the problem locally. Scotland and Wales both have such national programmes in place.
- 2.4 The Department for Levelling Up, Housing and Communities (DLUHC) publishes data on homes classed as empty for Council Tax purposes. In October 2022, there were 676,304 recorded empty homes in England. This is a 3.6% increase on the previous year's total. 248,149 were classed as 'long-term vacant' properties (vacant for more than six months with some exceptions).

3. LOCAL CONTEXT

- 3.2 The Councils Housing Strategy 2021 -2026 sets out the vision for delivering housing, particular for affordable housing in the district. It also acknowledges the work of the councils Environmental Health (Protection) service in improving private sector housing conditions and tackling empty homes.
- 3.3 The strategy confirms that the council will continue to intervene to ensure that empty properties in private ownership are returned to occupation. This commitment links in with the councils Corporate Plan priorities. The Corporate Plan 2021-2025 not only recognises the importance of delivering more affordable homes for the district but the need for the Council's actions and influence to contribute to the economic growth of the district and to protect the character of Uttlesford. Under the corporate plans key action to be an 'Active place-maker for our towns and villages, it commits to reducing the number of empty homes.
- 3.4 Statistics from the Department for Levelling Up, Housing and Communities show that UDC performs well in the number of empty homes within the district.

| District | 2021 | 2022 | 2023 |
|-----------------|------|------|------|
| Uttlesford | 215 | 253 | 376 |
| Castle Point | 326 | 320 | 383 |
| Maldon | 238 | 248 | 303 |
| Brentwood | 355 | 483 | 610 |
| Rochford | 370 | 293 | 349 |
| Harlow | 432 | 424 | 292 |
| Chelmsford | 479 | 501 | 555 |
| Basildon | 486 | 596 | 642 |
| Epping Forest | 472 | 558 | 593 |
| Braintree | 614 | 785 | 846 |
| Southend-on-Sea | 643 | 658 | 633 |
| Tendring | 789 | 707 | 866 |

Table 1. Number of dwellings that are classed as empty in years 2021, 2022 and 2023 and have been for more than 6 months.

KEY ELEMENTS OF POLICY

4. Background

- 4.1 The following paragraphs set out the definition of empty privately owned home, reasons why these homes become empty and unused for long periods of time and the impact they have at a local level. It also covers the benefits of bringing privately owned empty homes back into use for owners, neighbours and neighbourhoods and the Council. It should be noted that the actions by the council to bring empty homes back in to use, applies to the private sector and does not apply to any property owned or managed by the Council Housing Services or any Registered Social Landlord.

4.2 Empty Homes Definition

4.2.1 There is no absolute legal or case law definition for how long a home in the private sector needs to be empty before a local authority can take action to bring it back into use. Uttlesford Council will follow Government guidance and will concentrate on properties which have been empty for 6 months or more.

4.3 Why homes become empty and may stay empty

4.3.1 Residential homes become empty for a number of reasons. In most cases, they become empty for relatively short periods of time because there are:

- changes of ownership following the sale of a home
- gaps in time between lettings of a home to different tenants

4.3.2 These changes are referred to as “transactional changes” and are a normal part of the housing market.

4.3.2 The range of reasons why homes become and stay empty over a long period of time can include where the owner:

- Is trying to sell the home but is unable to do so.
- Has died and their beneficiaries or executors are resolving their estate through probate.
- Is living or working abroad.
- Is using the property as an investment and does not want it occupied. This is commonly referred to as “buy to leave empty”.
- Is wary of selling as they may be liable to Capital Gains Tax.
- Cannot afford to carry out repairs before enabling the home to become habitable available for re-occupation or sale.
- Does not know how to let the empty home or perceives problems with this option.
- Has totally abandoned the home.
- Has inherited the property and does not know or hasn't decided what to do with it.
- Has gone into long term residential care.
- Has an emotional attachment to the home and finds it difficult to sell or rent.
- Wants to rent or sell it but the home may be inconveniently located and pose particular problems to bring it back into use. For example, the home can only be reached through ground floor commercial premises or via a dangerous rear access.

4.4 The impact of empty homes

4.4.1 Some empty homes will show no signs of being unoccupied whilst others will be severely dilapidated. The latter can cause distress to neighbours and blight a neighbourhood. They can pose a number of problems including:

- Attracting vermin
- Being squatted in or being vulnerable to squatting
- Being subject to or vulnerable to vandalism, graffiti, and arson
- Accumulating dumped litter and rubbish, overgrown gardens and attracting fly tipping
- Providing a focal point for anti-social behaviour

4.4.2 The Council will prioritise dealing with empty homes deemed to be detrimental to the neighbourhood and those, which according to its knowledge, have been empty the longest.

4.5 Benefits of bringing empty homes back into occupation

4.5.1 The benefits for owners of bringing back into use empty homes they own include:

- Realising a stable income from letting an empty home
- Release from the obligations of maintenance and repairs if the home is sold
- Release from the increased insurance and Council Tax premiums which are attached to empty homes
- Increasing financial security from the sale of their empty home
- Satisfaction with helping to improve the local neighbourhood and helping local households who need the empty home

4.5.2 The benefits of bringing empty homes back into use for neighbours and neighbourhoods include:

- Reducing blight for surrounding homes.
- Reducing the potential for anti-social behaviour through squatting and criminal damage of empty homes.
- Reduces the potential loss of market value of surrounding homes.
- Increases the desirability of a neighbourhood.
- Increases a community spirit and social cohesion.

4.5.3 The Council's proactive approach in tackling empty homes also makes an important contribution towards delivering its Housing Strategy. In particular, it supports its aims of:

- Increasing housing supply to meet the needs of local people.
- Improving the quality of homes and neighbourhoods.

- Discourages anti-social behaviour related to empty homes.
- Reduces complaints to the Council about empty homes.
- Can help to create stronger communities.

5. Uttlesford's approach to empty homes

5.1 In taking action to bring empty homes back into use, the council adheres to the following key principles:

- To be compliant legally and with government guidance and other accepted protocols.
- To act in accordance with the principles of the Councils Corporate Enforcement Policy
- To be fair and consistent
- To be transparent, easy to understand and straightforward
- To manage expectations of resource

5.2 In delivering on the empty homes agenda, the service will pursue three main strands of activity:

- Source information on empty homes from Council tax data, and contact home owners
- Provide advice, support and where necessary, escalated warnings.
- Formal enforcement action to be considered a last resort when all voluntary processes have been exhausted (subject to in house resource capabilities)

5.3 The following section provides information on these activities in more detail.

6. Finding empty homes

6.1 This Council will always seek new and innovative ways of locating empty properties on rare occasions this can include the use of a tracing agent. New methods will be assessed and may be adopted if they are found to improve the effectiveness of the current procedure.

6.2 In targeting resources for tackling empty homes effectively, the possible sources of information for finding empty homes and establishing ownership include the following:

- Council Tax records
- Other Council records
- Land Registry
- Utility companies

- Contacting neighbours
- Contacting other external partners
- Use of a tracing agency
- Investigating who has an interest in an empty home

6.3 In fulfilling its function the service will maintain a “database” (spreadsheet and E files) of empty homes in the district. The “database” is primarily sourced from Council Tax data.

6.4 Some properties, such as second homes are excluded from targeted action. Second homes are by nature a second, furnished (in relation to the size of the property) home, but not the liable party(s) designated “main residence”. This poses a problem of classification/inclusion. Frequency of occupation, being used as a variable to classify the property as an empty dwelling is unreliable and a variable in nature. A second home could be utilised (occupied) several times a year, whilst another may not be visited for some years, whilst still being a legitimate second home. It is not possible to apply a distinction that would be universally applicable, and it would therefore unfairly penalise some residents.

6.5 Other properties may be excluded from action, such as commercial buildings not suitable for conversion into habitable dwellings.

7. Empty Homes and Council Tax

7.1 Not all empty homes qualify for an exemption from paying Council Tax. The Local Government Finance Act 1992 and associated regulations sets out the mechanism for levying council tax on domestic properties. Section 11A of the regulations give Councils some discretion in setting the level of council tax charged in respect of unoccupied properties and second homes.

7.2 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allows Councils to levy a higher amount of Council Tax for long-term empty dwellings that are unoccupied and unfurnished. This is known as an empty property premium.

7.3 With effect from the 1st April 2020 the Council has resolved to charge Council Tax for empty (unoccupied and unfurnished properties) and second homes as follows;

| | |
|--|---------------------------|
| Properties empty (unoccupied and unfurnished) for up to 6 months | 50% Discount |
| Properties empty (unoccupied and unfurnished) for 6 months and up to 2 years | 0% Discount (full charge) |

| | |
|--|--|
| Properties empty requiring structural or major repair work (unoccupied and unfurnished) for up to 12 months | 50% Discount |
| Properties empty requiring structural and major repair work (unoccupied and unfurnished) for over 1 year and up to 2 years | 0% Discount (full charge) |
| Furnished properties and second homes | 0% Discount (full charge) (This does not apply to dwellings regarded as Job-Related where the 50% discount will still apply.) |
| Properties empty (unoccupied and unfurnished) for 2 years or more | 200% charge (includes 100% empty property premium) |

- 7.4 From 1st April 2025 the Council is able to apply a 100% (200% charge) premium will be introduced on second homes in the district. A decision on whether or not to apply this premium will be put to full Council as part of the budget setting process in 2025/26.
- 7.5 Any periods of occupation of six weeks or less will be disregarded when considering how long a property has been empty.
- 7.6 When considering the above, there are a number of exemptions the need to be considered. No empty property premium can be applied to properties under the following circumstances;
- Properties which would be the sole or main residence of an individual who is residing in armed forces accommodation that is job-related.
 - Properties which form part of a single property including at least one other dwelling and is being used by a resident of the other dwelling as their sole or main residence.
- 7.7 Section 13A of the Local Government Finance Act 1992 also gives the Council the discretionary power to reduce liability for council tax in relation to particular cases.

8. Procedure for identifying empty homes.

- 8.1 Each quarter, the Environmental Health (Protection) service is to source details of properties homes on the Council Tax Register known to be empty, but which are not attracting an exemption from paying Council Tax. These are targeted for further investigation.
- 8.2 It should be noted that Section 85 of the Local Government Act 2003 inserted a new clause (18A) into Schedule 2 of the Local Government Finance Act 1992 which specifically allows local authorities to disclose personal Council Tax data for use in

undertaking work around bringing empty homes back into use. This is limited to an individual's name or an address or telephone number for communicating with them and provides the first step in identifying who the Team can begin working with about a long-term empty home.

- 8.2 Internal Council teams such as Planning and Building Control may come into contact with empty properties and their owners. Close ties are established with these departments to allow for information to be shared.
- 8.3 Although there is no mechanism for empty properties to be identified directly via data from the Land Registry, their records do present an important starting point in enabling an empty property owner to be identified in respect of registered land. Over 80% of land in England & Wales is registered but when dealing with unregistered land, tracing the owner can be a lot harder and additional checks are required.
- 8.4 Neighbours living next door or within the vicinity of an empty property are the people most likely to suffer from the negative impact which are often associated with such properties. They are also the most likely people to hold information about the owner's whereabouts and details which may enable the Environmental Health service to contact a missing owner.
- 8.5 Where identifying owners is proving to be difficult contact will also be made with utility services (gas, electricity, water) subject to following data protection protocols.
- 8.6 The various types of primary and secondary data outlined above, are in most cases enough to enable an empty property owner to be traced and contacted. However, where all attempts to find an owner have failed then the use of a tracing agency will be considered. It is usual practice that a tracing agency will not charge the Council for its services and will welcome the opportunity to be able to negotiate directly with an owner if they are able to locate them.

9. Investigating Interests

- 9.1 There are Legal powers available to the Council which can be utilised to obtain the details of owners or those who may have an interest in a particular property. Such legislation includes:
 - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
 - Section 235 of the Housing Act 2004

10. Advice and support

- 10.1 We will always try and establish the particular circumstances which have led to a property becoming empty. This will enable appropriate solutions to be offered to owners. The following list of measures are to be offered to assist owners bring empty homes they own back into use:

10.2 PLACE Scheme loans

10.2.1 UDC is part of a consortium of authorities across Hertfordshire & Essex that has developed a scheme that offers funding and support to owners to bring properties back into use. There are two types of loan assistance available.

1. Interest free (as long as terms and condition are adhered to) loans up to £25,000 (per unit of accommodation). The owner can choose their own contractor and to allow the property to be;
 - a) sold (repayable up to two years)
 - b) or let (repayable up to five years) upon completion of the works.

10.2.2 Where empty properties are provided with assistance, it is expected that the property will conform to the Decent Homes Standard before it is re-occupied. The Decent Homes Assessment Criteria stipulates that a dwelling should be free from unnecessary and avoidable hazards, in a reasonable state of repair, have reasonably modern facilities and services and provides a reasonable degree of thermal comfort.

10.3 VAT reduction

10.3.1 A further mechanism to support a voluntary pathway is a “VAT reduction”. If a property is two years or more empty, the team can send the liable party a letter, reducing VAT to 5% for building contractor(s) working on the property. This can aid/empower liable parties financially in addressing empty properties.

10.4 Sale of the property

10.4.1 Should the above measures not be deemed sufficient and where owners have not previously considered selling, advice will be offered about the various options available. In certain cases, e.g., where a property is in a derelict condition, it may be beneficial to consider sale by auction. Owners will be advised to seek independent financial advice where it is likely they may be subject to a Capital Gains Tax liability.

10.5 Letting Properties Privately

10.5.1 There is a significant demand for housing and letting an empty property can provide owners with an income stream. Officers are able to offer advice and support to owners who are considering letting their empty properties on what is involved. However, it should clearly be understood that becoming a landlord is a business opportunity and must be considered in this context. If an empty property owner has

no business experience and limited time, then serious consideration should be made as to whether becoming a landlord is a suitable option.

11 Engagement & Enforcement

- 11.1 A voluntary process is initially followed to return empty property to an occupied status. Information is presented to the Environmental Health service from Council Tax on a quarterly basis. Following filtering to remove exempt property, initial letters are sent to the owners of potentially empty homes informing them of the importance of returning their property to occupation and the responsibilities of the Council. The letter informs the owner of the PLACE scheme offers and eligibility of the VAT reduction and requests that they get in touch and/or complete an online survey.
- 11.2 If no reply is received within a reasonable timeframe, a second letter is sent reiterating the PLACE scheme offers. The letter requests that the owner completes the online form and warns the owner that failure to make contact will result in the property escalating to stage 3 and it will be prioritised for further assessment.
- 11.3 If no reply is received and after checking with Council Tax that the property has not been reoccupied, a third 'Do not ignore letter' is sent. This letter warns the owner to contact complete the online form or contact the Council. It also advises that failure to respond will lead to an assessment of the property that could lead to formal action.
- 11.4 In order to deal effectively with the significant number of properties on the empty homes list it is necessary to prioritise enforcement work. This is done by risk assessing, or 'categorising' each property against a set of criteria for example the length of time empty, whether or not it is causing nuisance. The score is then banded into three categories, namely, low, medium and high-level impact.
- 11.5 Due to the limited resources available to the Council, a targeted approach will be taken to those properties rated highest on the impact assessment. Properties with a low impact rating shall not be prioritised for enforcement.
- 11.6 In addition to the above pressure applied properties which have been unoccupied for over two years are required to pay 200% of the normal Council Tax (Empty Homes Premium).
- 11.7 It is recognised that sustained pressure, additional council tax charges and later threats of enforcement action often have the desired effect in returning properties to occupation.

12. Formal Enforcement Measures

- 12.1 Enforcement is an important part of the empty property procedure and will only be used for properties where voluntary approaches have been exhausted. The aim of

enforcement action will always be to ensure that the outcome is for an empty property to be re-occupied and/or renovated as quickly as possible.

12.2 Powers to enter and inspect

12.2.1 The Environmental Health Team will always try to negotiate with an owner for access to a property. In instances where negotiation has not been successful legal powers can be used to gain entry. If necessary, the Council can obtain a warrant from the courts to enter.

12.3 Powers to take immediate action

12.3.1 Should there be immediate concerns that pose a risk to the public and/or cause a nuisance, general enforcement powers are available to officers to board up a property or treat a vermin infestation.

12.3.2 In addition the Environmental Health uses the Housing Health and Safety Rating System (HHSRS) tool which assesses the potential risks and hazards to human health and safety which might be found in homes occupied or not. Serious hazards and risks are called Category 1 hazards and less serious ones are called Category 2 hazards. Category 1 and 2 hazards cannot be defined as such as they are based upon an assessment of the risks posed by a combination of factors. The factors include what kind of hazards are observed, how severe they are and what effect they are having or could have on the health and safety of current or future occupants or visitors to the property being examined. The available options for dealing with identified hazards include:

- Serving an improvement notice
- Serving a suspended improvement notice
- Making a prohibition order
- Taking emergency remedial action
- Making an emergency prohibition
- Serving a hazard awareness Notice

12.3.3 Following the inspection of an empty property each case will be individually assessed to ensure the most appropriate course of action is taken.

12.3.4 Should officers reach an impasse and have exhausted all voluntary means, the Department for Levelling Up, Housing and Communities Guidance on Compulsory purchase process and The Crichton Down Rules states that Local Authorities, before embarking on compulsory purchase and throughout the preparation and procedural stages should seek to acquire a property by negotiation wherever practicable. It is the intention of this Council to avoid unnecessary costs and to achieve value for money. Therefore, it will always try to acquire a property by agreement.

12.3.5 Should all measures fail to address the empty property status, more robust enforcement measures will be considered; namely

- Obtaining a Compulsory Purchase Order
- Enforcing the sale of the property
- Obtaining an Empty Dwelling Management Order

13. Compulsory Purchase Order (CPOs)

13.1 Power to compulsory purchase a property exists under two pieces of legislation contained in both housing and planning law. Under housing law, CPOs are carried out pursuant to section 17 of the Housing Act 1985 (as amended). This power can only be used where a qualitative and/or quantitative housing gain is demonstrated.

13.2 Section 226 of the Town and Country Planning Act 1990 (as amended), grants the Council with power (subject to Secretary of State Authority) to compulsory purchase any land (which includes property) for the purpose of improving the social environmental or economic well-being of their area. CPOs will be used as an action of last resort after all other options have been exhausted. The main drawback with carrying out a CPO is that the actual procedure can take a long time, in fact the Governments own guidance states that CPO procedure may take up to two years to complete.

13.3 It has been found that the threat of a CPO can act as an effective means to encourage owners of empty properties to take action to bring the property back into residential use.

13.4 The Council will consider taking CPO action on a property when:-

- All reasonable efforts to encourage an owner to voluntarily bring their property back into use have failed; and/or
- Following extensive enquiries, it has not been possible to identify the owner of the property; and/or
- The property has been impact rated as high
- Purchasing a property by voluntary agreement is not a viable option.

13.5 The final decision to carry out a CPO on an empty property is taken by the Cabinet Committee, who consider and authorise making and proceeding with a CPO together with the acquisition and onward disposal where they are satisfied there is a compelling case in the public interest to make the order, as justified by the supporting statement of reasons and assessed on a case by case basis.

13.6 The Environmental Health service has a well-established procedure for processing CPOs on privately owned empty properties. This has proved to be an effective enforcement tool. The authority has completed on three CPO's since 2011 and uses funding from the PLACE scheme consortium for this purpose. However, the process is

resource intensive and can be complex. As part of the decision making process a review of in house resource will be made, both within the Environmental Health and Legal Services. The use of specialist external legal practices to undertake this work on the Councils behalf will be considered and may be chosen as a more effective and efficient way of proceeding.

- 13.7 Once a CPO has been made and sealed by the Council, notice is published, served and site notices affixed, with time allowed for objection, in accordance with statutory requirements. Thereafter, it is sent for confirmation to the Secretary of State. If a valid objection is received, the objection may be dealt with by written representations or a Public Local Inquiry (PLI). The financial implications of this eventuality will be taken into consideration when the decision to make the CPO is undertaken.
- 13.8 If the Order is unopposed or where no valid objections are received and the Secretary of State is satisfied that the proper procedures have been observed, the CPO will be confirmed. (This is also the case where the Inspector's report from an Inquiry recommends confirmation). Following confirmation, notice is published, served and site notices affixed, with time allowed for challenge. Provided there is no challenge, the Council can make arrangements to vest the legal title to the property by serving notice of intent to proceed and then making a general vesting declaration (GVD).
- 13.9 Officers will continue to seek dialogue with an owner throughout the CPO process. Where an owner agrees, it is the policy of the council to enter into a 'cross-undertaking' with the owner. This is a legally binding agreement by which the Council undertakes not to implement a confirmed Order while the owner undertakes to complete any necessary repairs to meet the Decent Homes Standard and also arranges to bring the property back to full continuous residential occupation within a mutually agreed period of time. If the property is sold, then the terms of the cross undertaking will be re-negotiated with the new owner. If the new owner does not carry out these actions or delays in carrying them out, the Council can then seek to implement the Order under the terms of the agreement.
- 13.10 Owners are entitled to compensation on a property once the property has vested in the Council. This will be based on the market value of the house minus any outstanding charges which are registered on the property. Owners are also entitled to receive reasonable costs for any surveyors and legal fees.
- 13.11 It is the policy of this Council to only pay one set of legal and/or surveyor fees per property. This will be applied even if there are multiple or joint owners of the property. The Council will only pay reasonable fees which have been agreed prior to the owner submitting their claim and parties are recommended to liaise with the Environmental Health (Protection) service to discuss this.
- 13.12 The Planning and Compulsory Purchase Act 2004 introduced an entitlement for former owners to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. There are a number of exemptions to having to make this payment, such as where a statutory Notice or Order has been served on the property and not been complied with by the time the CPO is confirmed.

- 13.13 Once the Council takes possession of a compulsory purchased property it will endeavour to dispose of it as quickly as possible. This is to keep any financial and other risks to the Council to a minimum. The primary option available to the Council would be to place the property for sale on the open market to achieve best price. Before disposal, a valuation of the property is obtained. If going to auction a reserve price will be placed on the property.
- 13.14 The Council has responsibility for the property for the period of time between taking possession and its disposal. Each property will be assessed for the potential risks it may pose during this period.

14. Enforced Sale Procedure

- 14.1 The Law of Property Act 1925 enables a local authority to enforce the sale of a property. There are two situations where these powers can be used: -
- Where there is a registered charge on the property
 - Where Council tax is owed on the property
- 14.2 The Law of Property Act 1925 – section 103 allows the Council to bring about the sale of a privately owned house which has a local land charge registered on it because the owner owes money to the Council e.g., Council Tax. This debt is usually as a result of the owner's failure to comply with a statutory notice for example where the Council has then been forced to carry out works.
- 14.3 All costs incurred by the Council can be recovered from the proceeds of a sale. Any other charges on the property are then paid before the balance is paid to the owner. This method has the advantage that not only is a debt recovered but the property is also usually returned into occupation. This procedure can be used to achieve a similar result as a Compulsory Purchase Order.
- 14.4 An enforced sale can also be carried out for outstanding Council Tax debt where the Council may apply to the courts to obtain a charging order. This has the effect of registering the debt onto the property, similar to a land debt above. The process of sale follows the same procedure.
- 14.5 The Council may consider pursuing an enforced sale in parallel with or instead of a CPO. The approach used is dependent upon what is considered to be the best course of action.

15. Empty dwelling management orders

- 15.1 This action tends to be reserved for the most problematic empty properties. EDMOs are a discretionary local authority power, introduced under section 132 of the Housing Act 2004. An EDMO gives the power to a Council to carry out any necessary repairs and then facilitate the management of the property as rental accommodation.

15.2 The Council can only take such action where the following conditions apply in that the property:

- has been empty for over two years
- has been shown to be a focal point for anti-social behaviour

15.3 The objective of an EDMO is to provide more rented accommodation. However, the major disadvantage to the Council is that it takes all the financial risk for the period of the order and then hands the property back to the owner. Therefore, to prevent a possible financial risk to the Council, EDMOs will not be considered on properties that need substantive repairs carried out before they can be occupied. Furthermore, the process takes a long time to complete and is complex in nature to follow. There have been few incidents of LAs taking this approach due to the complex procedure and ability to finance the repairs and manage the property. Therefore, the Council will only use this power under exceptional circumstances.

16. Performance Monitoring

- 16.1 Annual reporting on the state of Empty Homes will be taken to the Housing Board.
- 16.2 Due to the transient nature of properties being coming on and off the empty homes property list, the percentage of eligible empty homes identified by council tax and contacted by officers shall be monitored

ROLES AND RESPONSIBILITIES

| Role: | Responsibilities: |
|---|--|
| Environmental Health Manager | <ul style="list-style-type: none"> ▪ Oversight and monitoring of policy |
| Environmental Health Officer | <ul style="list-style-type: none"> ▪ Lead & overview of enforcement action |
| Enforcement/ Environmental Protection Officer | <ul style="list-style-type: none"> ▪ Initial enforcement contact & investigations |
| Grants Officer | <ul style="list-style-type: none"> ▪ Lead officer for collecting information on quarterly CT reports and issuing PLACE 1,2 & 3 letters. |
| Administrator | <ul style="list-style-type: none"> ▪ Administrator assistance |

KEY CONTACT

- Lead Officer: Marcus Watts
- Service Area/Directorate: Public Services
- Lead Member: Arthur Coote

LINK TO CORPORATE PLAN PRIORITIES

| Corporate Priorities | Yes/No |
|--|--------|
| Putting residents first | Yes |
| Active place-maker for our towns and villages | Yes |
| Progressive custodian of our rural environment | No |
| Champion for our district | No |

POLICY MONITORING

This policy shall be reviewed in light of new legislative context, additional funding and good practice guidance.

The policy shall be reviewed every four years or sooner, should significant changes come to light before the policy review date.

Minor changes will be reported to CMT. Significant changes shall be reported to Cabinet

COMPLAINT, CHANGE & MODIFICATION

Complaint

Informal or formal complaints in relation to the policy; and application of policy should be referred to the Council' corporate complaints policy found here: [Compliments, suggestions and complaints policy - Uttlesford District Council](#)

Modification

Consequential Technical changes shall be proposed by the Environmental Health Manager (Protection) and signed off by the appropriate service Director following CMT approval.

Substantial changes and changes in powers shall be put to Cabinet for approval.

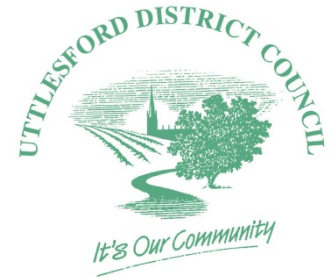
The decision on what changes will constitute minor or substantial change will be determined by CMT

Change

The Environmental Health Manager shall be responsible for reviewing /updating the policy in accordance with changes to best practice, statutory guidance and legislation. Substantial changes made shall be presented to Cabinet for formal approval.

APPENDIX A

Equality Impact Assessment



Uttlesford District Council Equality & Health Impact Assessment (EqHIA)

Document control

| | |
|-----------------------------------|--|
| Title of activity: | <i>Environmental Health Empty Homes Engagement and Enforcement</i> |
| Lead officer: | <i>Marcus Watts, Environmental Health Manager (Protection) Public Services</i> |
| Approved by: | <i>TBC</i> |
| Date completed: | <i>21/03/2024</i> |
| Scheduled date for review: | <i>April 2028</i> |

| |
|---|
| Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website? |
|---|

| |
|----|
| No |
|----|

Please note that EqHIAs are **public** documents and must be made available on the Council's [EqHIA webpage](#).

When completed, a copy of this form should be saved with the activity a policy, strategy, procedure, project, new or change in service, initiative or other's file for audit purposes and in case it is requested under the Freedom of Information Act.

When the EqHIA is completed send a copy to the following email address - EqHIA@Uttlesford.gov.uk

1. Equality & Health Impact Assessment Checklist

Please complete the following checklist to determine whether or not you will need to complete an EqHIA and ensure you keep this section for your audit trail. If you have any questions, please contact your Divisional Equality Lead. Please refer to the Guidance in Appendix 1 on how to complete this form. **When EqHIA is completed send a copy to the following email address EqHIA@Uttlesford.gov.uk**

About your activity

| | | | | |
|----|--|--|---|--|
| 1 | Title of activity | <i>Empty Homes</i> | | |
| 2 | Type of activity | <i>Policy</i> | | |
| 3 | Scope of activity | To reduce the number of long term empty properties in the district. We proposed that we will do this by providing owners with advice and assistance to prevent properties becoming empty for a prolonged period. Should it be necessary, we can consider enforcement action to bring long term empty properties back into use. | | |
| 4a | Are you changing, introducing a new, or removing a service, policy, strategy or function? | Yes | | |
| 4b | Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)? | No | If the answer to <u>any</u> of these questions is 'YES', please continue to question 5. | If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6. |
| 4c | Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing? | No | | |
| 5 | If you answered YES: | Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance. | | |
| 6 | If you answered NO: | . | | |

| | |
|---------------|---|
| Completed by: | <i>Marcus Watts, Environmental Health Manager (Protection), Public Services</i> |
|---------------|---|

| | |
|--------------|------------|
| Date: | 21/03/2024 |
|--------------|------------|

2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

| |
|---|
| Background/context: |
| <p>This policy sets out the way in which the Council intends to deal with empty homes within the district. Empty homes are a waste of resource, can cause distress and blight a neighbourhood. This policy links in with the Councils Housing Strategy and Corporate Plan priorities.</p> <p>Largely an administration procedure, information action is pursued until these measures have been exhausted. A decision to take formal action is dependent on a number of factors, including sufficient resource in place to pursue the owner of the property</p> <p style="text-align: right;"><i>*Expand box as required</i></p> |

| |
|--|
| Who will be affected by the activity? |
| <p>This Policy is designed to:</p> <ul style="list-style-type: none"> • Support Officers of the Council in appropriately applying the relevant process and enforcement of legislation • To provide support to owners to encourage them to return the property into occupation <p style="text-align: right;"><i>*Expand box as required</i></p> |

| | |
|--|--|
| Protected Characteristic - Age: Consider the full range of age groups | |
| <i>Please tick (✓) the relevant box:</i> | <p>Overall impact:</p> <p><i>It will impact positively on adults as more homes will be available for purchase or rent and communities will be improved, There will also be less ASB.</i></p> <p style="text-align: right;"><i>*Expand box as required</i></p> |
| Positive | ✓ |
| Neutral | |
| Negative | |

Evidence:

<https://www.actiononemptyhomes.org/Handlers/Download.ashx?IDMF=a5ea72d6-b24a-4f8e-8dc0-451a6da170e6>
**Expand box as required*

Sources used:

<https://commonslibrary.parliament.uk/research-briefings/sn03012/>
**Expand box as required*

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions

Please tick (✓) the relevant box:

Positive**Neutral****Negative****Overall impact:**

Returning properties into use, such as bungalows will increase the availability of accommodation suitable for those with mobility issues.

**Expand box as required*

Evidence: Housing impacts health: WHO guidelines on housing and health

**Expand box as required*

Sources used:

https://www.equalityhumanrights.com/sites/default/files/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf

**Expand box as required*

Protected Characteristic - Sex/gender: Consider both men and women

Please tick (✓) the relevant box:

Positive**Overall impact:**

| | | |
|--------------------------------|-------------------------------------|--|
| Neutral | <input checked="" type="checkbox"/> | The predicted impact of the policy on sex/gender is neutral as there is no identified direct, positive or indirect discrimination. |
| Negative | <input type="checkbox"/> | |
| Evidence: | | |
| <i>*Expand box as required</i> | | |
| Sources used: | | |
| <i>*Expand box as required</i> | | |

| | | |
|--|-------------------------------------|---|
| Protected Characteristic - Ethnicity/race: Consider the impact on different ethnic groups and nationalities | | |
| <i>Please tick (✓) the relevant box:</i> | | Overall impact: Potential barrier for owners whose first language is not English. Written and verbal communication may need to be translated or interpreted, as an equalities consideration, in order to mitigate any adverse impact. |
| Positive | <input type="checkbox"/> | |
| Neutral | <input checked="" type="checkbox"/> | |
| Negative | <input type="checkbox"/> | |
| <i>*Expand box as required</i> | | |
| Evidence: | | |
| <i>*Expand box as required</i> | | |
| Sources used: | | |
| <i>*Expand box as required</i> | | |

Protected Characteristic - Religion/faith: Consider people from different religions or beliefs including those with no religion or belief

| | | |
|--|-------------------------------------|---|
| <i>Please tick (✓) the relevant box:</i> | | Overall impact: Neutral impact. However, it is acknowledged that some faiths or religions require worship on particular days and therefore may not be able to attend meetings or appointments. Consideration will be given to this and flexibility will be applied, if required, in order to mitigate any adverse impact. |
| Positive | <input type="checkbox"/> | |
| Neutral | <input checked="" type="checkbox"/> | |
| Negative | <input type="checkbox"/> | |
| <i>*Expand box as required</i> | | |
| Evidence: NA | | |
| <i>*Expand box as required</i> | | |
| Sources used: NA | | |
| <i>*Expand box as required</i> | | |

| | | |
|--|-------------------------------------|---|
| Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual | | |
| <i>Please tick (✓) the relevant box:</i> | | Overall impact: The predicted impact of the policy on sexual orientation is neutral as there is no identified direct, positive or indirect discrimination |
| Positive | <input type="checkbox"/> | |
| Neutral | <input checked="" type="checkbox"/> | |
| Negative | <input type="checkbox"/> | |
| <i>*Expand box as required</i> | | |
| Evidence: | | |
| <i>*Expand box as required</i> | | |

Sources used:

**Expand box as required*

Protected Characteristic - Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

*Please tick (✓)
the relevant box:*

Positive

Neutral

Negative

Overall impact:

The predicted impact of the policy on gender reassignment is neutral as there is no identified direct, positive or indirect discrimination

**Expand box as required*

Evidence:

**Expand box as required*

Sources used:

**Expand box as required*

Protected Characteristic - Marriage/civil partnership: Consider people in a marriage or civil partnership

*Please tick (✓)
the relevant box:*

Positive

Neutral

Negative

Overall impact:

The predicted impact of the policy on marriage/ civil partnership is neutral as there is no identified direct, positive or indirect discrimination.

| | | |
|--------------------------------|--|--------------------------------|
| | | <i>*Expand box as required</i> |
| Evidence: | | |
| <i>*Expand box as required</i> | | |
| Sources used: | | |
| <i>*Expand box as required</i> | | |

| | | |
|--|-------------------------------------|---|
| Protected Characteristic - Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave | | |
| <i>Please tick (✓) the relevant box:</i> | | Overall impact: The predicted impact of the policy on pregnancy, maternity and paternity is neutral as there is no identified direct, positive or indirect discrimination |
| Positive | <input type="checkbox"/> | |
| Neutral | <input checked="" type="checkbox"/> | |
| Negative | <input type="checkbox"/> | |
| <i>*Expand box as required</i> | | |
| Evidence: | | |
| <i>*Expand box as required</i> | | |
| Sources used: | | |
| <i>*Expand box as required</i> | | |

| | | |
|--|--|--|
| Socio-economic status: Consider those who are from low income or financially excluded backgrounds | | |
|--|--|--|

Sources used:




Health and Wellbeing Impact Tool

**Expand box as required*

3. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:

Please tick (✓) what the overall outcome of your assessment was:

| | | | |
|--|---|---|--|
| | 1. The EqHIA identified <u>no significant concerns</u> OR the identified <u>negative concerns</u> have already been <u>addressed</u> |  | Proceed with implementation of your activity <input checked="" type="checkbox"/> |
| | 2. The EqHIA identified some <u>negative impact</u> which still needs to be <u>addressed</u> |  | COMPLETE SECTION 4: Complete action plan and finalise the EqHIA |
| | 3. The EqHIA identified some <u>major concerns</u> and showed that it is <u>impossible to diminish negative impacts</u> from the activity to an acceptable or even lawful level |  | Stop and remove the activity or revise the activity thoroughly . Complete an EqHIA on the revised proposal. |

4. Action Plan

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

| Protected characteristic / health & wellbeing impact | Identified Negative or Positive impact | Recommended actions to mitigate Negative impact* or further promote Positive impact | Outcomes and monitoring** | Timescale | Lead officer |
|--|--|---|---------------------------|-----------|--------------|
| | | | | | |
| | | | | | |
| | | | | | |

Add further rows as necessary

* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

** Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from

the lead officer).

5. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

Review:

Scheduled date of review: 21/3/28

Lead Officer conducting the review: Environmental Health Manager

**Expand box as required*

APPENDIX A – Equality Impact Assessment