



Peterborough City Council

Empty Homes Strategy

2012 - 2015

DRAFT

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1. Introduction

Peterborough City Council's vision is for a bigger and better Peterborough, where sustainable growth brings with it opportunities that will improve the quality of life of its residents, help to preserve our environment and helps to create vibrant and cohesive communities.

The Peterborough Sustainable Community Strategy 2008 – 2021 is an overarching strategy that guides the work of the Council and its partners and the strategy's four key priorities are:

- Creating opportunities – tackling inequalities
- Creating strong and supportive communities
- Creating the UK's 'Environment Capital'
- Delivering substantial and sustainable growth

Whilst the creation of new businesses brings new people and new homes, the housing need continues to outnumber supply and many local people struggle to afford to buy or rent a suitable home.

The current population of Peterborough is estimated to be 173,100 (ONS, 2010) with an expected to increase to 199,800 by 2026. In 2010 Peterborough City Council and three neighbouring local authorities commissioned an update to the 2007 sub-regional Strategic Housing Market Assessment. Some key findings of this study were:

- At the current rate of household formation and housing supply, an average of 1,008 households will fall into housing need each year in Peterborough
- If we were to solely address the highest levels of housing need, 38% of all new housing built in Peterborough would need to be affordable
- Based on present housing needs, around two thirds of future new affordable housing would need to be smaller one and two bed units. However, based on future demographic trends, long term housing need is expected to shift towards a requirement for two and three bed properties
- The percentage of households in need is lower in rural areas than in urban Peterborough, however, housing need as a proportion of supply in rural Peterborough is ten times higher than it is in the urban area.

Data from the Peterborough Homes Housing Register confirms the findings of this assessment. As at the 14th October 2012 there were 9,622 applicants on the register.

The Government has developed a new delivery model for affordable housing and announced a target to deliver 150,000 new affordable homes through the Homes & Communities Agency's Affordable Homes Programme Framework 2011-2015. However, with overall reduced funding it is unlikely that delivery of new build, affordable properties will meet the future housing need of the City.

At the same time a significant number of homes in the city remain empty for varying reasons and for varying lengths of time. Whilst the reoccupation of empty homes is not the whole answer to the current shortage of homes in the City, they are recognised as a valuable resource with huge potential to be turned into homes and thereby increasing the supply and reducing demand for housing. Bringing empty properties back into use will make a significant contribution to alleviating the huge demand for affordable housing in the City. Local Authority intervention to assist owners in bringing their properties back into use means that the Housing Needs Service will receive nomination rights to allocate people on the housing register in housing need into these properties. This will contribute to the reduction of applicants on the housing register.

Peterborough City Council will also have more scope to prevent homelessness with the Housing Needs Service being able to discharge its homelessness duty into the private sector with the knowledge that the properties have reached the required standard and are being effectively managed. Increased supply of properties in the private sector will in turn result in the reduction in the use of expensive Bed & Breakfast accommodation to temporarily house people until more permanent accommodation is sourced and secured.

The majority of empty properties in the city are privately owned. Often owners do not know how to get their property back into use and sometimes they simply don't seem to care. The aim of this strategy is to set out how we will work with property owners, the local community and our partners to bring empty properties back into a functioning and habitable state.

2. The National Context

In 2010 there were an estimated 734,000 empty homes in England and it is expected that figure will continue to rise in the short to medium term. Homes that have been empty for more than six months are classified as long term empty. There are currently approximately 300,000 long term empty homes in England.

The increasing commitment to meeting housing need has been evident through successive Governments and the role of bringing empty properties back into use has been recognised. From the ODPM publication "Empty Property: Unlocking the Potential" in 2003 through to the announcement of a £100 million Empty Homes fund in the Comprehensive Spending Review in 2010, it is evident that the empty home issue is moving up the political agenda and becoming a key strategic housing priority for Local Authorities.

The Empty Homes Fund, administered by the Homes & Communities Agency (HCA) aims to finance returning to use 3,300 homes for affordable housing over three years. The funding commenced in April 2012 and covers both short-term leasing and purchase of empty properties.

Initially this funding was open to registered providers of housing but Communities Minister, Andrew Stunell, announced at the end of September 2011 that community groups and voluntary organisations will now be able to bid for part of the £100 million funding (£30 million in total) to tackle empty properties and provide affordable housing.

The Government followed this up by publishing its Housing Strategy on the 21st November 2011, of which an important part is its strategy for tackling empty properties. As well as the £100 million Empty Homes Fund, the Government also committed to a further £50 million to tackle some of the worst concentrations of empty homes. The Local Government Finance Bill includes provisions that will allow a Council Tax billing authority to charge an empty homes premium of up to 50% of the council tax on property left unoccupied and unfurnished for two years.

DCLG also introduced the New Homes Bonus in February 2011 which is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. As well as providing this bonus for new affordable homes being built the policy recognises that empty properties returned to use also provides additional accommodation.

An empty property returned to use is rewarded in the same way as a new home via a “bonus” equivalent to the council tax income to the local authority for six financial years following the date it was brought back into use. The Coalition Government is encouraging local authorities to re-invest the bonus in empty homes work to reduce the number in its area and also to make tackling empty properties part of their overall approach to meet housing need.

Conversely, however, as the New Homes Bonus is calculated on the net available housing stock, an increase in the number of empty properties will attract a penalty, negating any New Homes Bonus that may be payable on new build, affordable properties. In order for Peterborough City Council to benefit from the New Homes Bonus, it is vital that not only do we work to reduce the number of empty properties in the city but to also ensure the number continually remains as low as possible. Some criticism has been levelled at the New Homes Bonus as it is difficult for a local authority to directly influence the prevailing housing market. However, empty homes activity must be seen as a vital contribution to either earning New Homes Bonus or minimising the loss of New Homes Bonus whether the local housing market is in recovery or decline.

DCLG have recently announced that Local Authorities have brought nearly 38,000 long term empty homes back into use over the last two years unlocking over £63 million of additional funding through the New Homes Bonus.

Bringing empty properties back into use should not, however, be seen just as an income generator for the Council and the wide ranging positive aspects of empty homes activity should not be overlooked.

The increase in housing supply with the potential reduction of homelessness as well as the community related benefits including the enhancement of local neighbourhoods, the reduction of vandalism and anti-social behaviour and the improvement of housing standards are key to achieving the strategic priorities of the Council to improve the quality of life and the environment of it's residents.

Please refer to Appendix A which illustrates potential local authority New Homes Bonus income using the DCLG's New Homes Bonus Calculator.

3. The Local Context

A Private Sector Stock Condition Survey was commissioned by Peterborough City Council in 2009 and the final report was published in February 2010. It estimated that there were 60,041 private sector dwellings in the city of which approximately 2,300 were empty, representing 3.8% of the private sector stock.

There is no single definition used by DCLG to describe an empty home but suggest focus is on problematic empty properties (i.e. those that are not subject to a transactional process).

Transactional vacant properties are those that are re-occupied relatively quickly and are necessary for the mobility and normal operation of the housing market. These are properties that are actively being marketed for sale at realistic asking prices, properties involved in probate or those that are being actively refurbished prior to re-occupation.

These properties seldom require the intervention of the Council in order to ensure that they are brought back into the housing stock within 6 months of being vacated. Statistics show that just over half of all empty properties remain vacant for less than six months.

The DCLG does not count second homes and other properties that may only be used occasionally (e.g. holiday homes and other seasonal lets) as empty and these are not targeted under this strategy. When deciding if a property is a second home or holiday home, each case is assessed individually. A second property left vacant where the owner resides in Peterborough would not be classed as a second home or holiday home. This classification is normally reserved for owners who work away from the City, i.e. in the armed forces.

Problematic or long term empty properties, which are empty for more than six months, are targeted under the City Council's Empty Homes Strategy. As at the 1st October 2012 there was a total of 1,915 empty properties in the City of which 453 were long term empty. Out of the 453 long term empty properties, 338 have been empty between 6 and 23 months and 115 have been empty for more that 2 years.

Peterborough City Council has had a degree of success in bringing empty properties back into use in recent years. Peterborough was the first authority in the country to make full use of the new powers granted by government under the Housing Act 2004 and made the first ever Final Empty Dwelling Management Order in July 2008 resulting in a property that had stood empty for over 5 years to be renovated to decent homes standard and become re-occupied within three months of the order being made. The profile of Peterborough and its Empty Dwelling Management Order success has been widely publicised and is featured as an example of best practice by the Empty Homes Agency, LACORS and in various industry publications.

4. Corporate Context and Links to Other Council Strategies

- **Sustainable Communities Strategy**
Creating Opportunities – Tackling Inequalities – by regenerating neighbourhoods, including tackling the blight of empty properties
Creating Strong & Supportive Communities – by building and empowering local communities, making Peterborough safer and building pride in Peterborough
Creating the UK's environmental capital – by improving the energy efficiency of existing empty housing stock and reducing carbon emissions from domestic dwellings
Delivering substantial and truly sustainable growth – by creating better places to live and increasing economic prosperity by creating a well managed private rented housing sector
- **Housing Strategy**
To secure the regeneration and improvements to Peterborough's housing stock – tackling empty property contributes to improving the condition and energy efficiency of the housing stock, meeting housing need, increasing investment in Peterborough and the regeneration of neighbourhoods.
- **Homelessness Strategy**
Maximise the opportunities for differing accommodation choices for people seeking accommodation. To continue to increase the accommodation choices available to persons in housing needs – by securing nomination rights into empty properties brought back into use through Local Authority intervention for people in housing need on the housing register. By discharging the authority's homelessness duty into empty properties brought back into use in the knowledge that their condition and management reaches the required standard.
- **Poverty Strategy**
Creation of inspirational places to live and cohesive communities - Use all mechanisms to bring empty homes across the City back into use to ensure maximisation of housing availability and choice for families in housing need

5. Our Priorities

The Empty Homes Strategy has been developed with these main objectives:

- To bring empty homes in the private sector back into use, utilising both voluntary means and statutory enforcement powers, which will increase the housing supply, alleviate the numbers of people in housing need on the housing register, improve neighbourhoods and community confidence and contribute to tackling homelessness in Peterborough.
- To offer a comprehensive advice and assistance service to the owners of empty property, those who are looking to purchase or develop empty property and those who are experiencing problems arising by living near to empty properties.
- To maximise income from the New Homes Bonus and to utilise it effectively by delivering initiatives to tackle empty homes
- To improve our evidence base by assembling relevant, accurate and current information
- To raise awareness of the Empty Homes issue and to promote the service and strategy to owners, neighbours and those affected by empty homes
- To retain dedicated staffing resource to tackle the problems of empty homes and to effectively bring them back into use thus preventing the waste of valuable housing resource across the city.

6. Why do Properties Remain Empty?

Homes may be empty for a number of reasons. The most common reasons are:

- **Lack of funding for repair work**
 - This maybe a DIY renovation project where the property is in disrepair and/or the property requires modernisation to bring it up to a decent home standard. Often expense and unforeseen problems escalate and the owner has insufficient funds to finance repairs or is unwilling to spend the money required
- **Inheritance**
 - Properties that are inherited are often left empty for considerable periods of time whilst awaiting the outcome of probate or legal disputes. The emotional turmoil of losing a family member can also delay the process as it often takes the new owner several months to feel able to consider the various options available to them. In some cases, it is extremely difficult to trace the next of kin and indeed, the new owners of the property may even be unaware that they have inherited it.

- **Family/Business Disputes**
 - Sometimes properties are left empty as they are owned by more than one person and agreement on the future of the property cannot be reached.
- **Repossessions**
 - Repossessed properties can sometimes remain empty for long periods due to complex legal circumstances
- **Potential planning developments**
 - Planning consent for large sites earmarked for re-development can often take a considerable length of time to complete due to their complexity. Empty properties included in the catchment area of such projects, often remain empty for the duration of the planning consultation period, and can only be properly targeted under the strategy once a decision has been made.
- **Lack of Information and advice**
 - Many people cite “not knowing what to do about it” as the main reason for not bringing a property back into use. There is a lack of information on the best way to refurbish, manage or sell a vacant property. Owners also cite being worried about the complexities of the private rental market as the reason that they have not been able to make a decision regarding the future use of their property.
- **Housing Market Conditions and Land Banking**
 - When housing prices are increasing rapidly, properties are often purchased as an investment to sell once the market peaks and can be left empty in order to achieve a quick sale when prices peak. They may be reluctant to offer the property for rent in the meantime. In contrast, if property prices are falling, many prospective purchasers will wait for the market to ‘bottom out’ in order to achieve the best possible price. In recent years Peterborough has seen a large increase in properties being bought under buy-to-let schemes and then used as houses in multiple occupation. With the current downturn in the housing market more and more properties are being repossessed as owners fall behind with repayments and with falling house prices find themselves in negative equity.
- **Lethargy/Indifference**
 - Maximisation of wealth from assets is not a priority for an individual or company
- **Obstruction**
 - Owners can simply refuse to bring their property back into use

Whatever the reason, they are frequently a cause for concern for local residents. They can become a drain on resources and some can become potentially dangerous and unsafe.

By reducing the number of empty properties we can help to:

- **Improve neighbourhoods through**
 - Making areas more attractive by removing the blight of empty properties
 - Increased property values
 - Reduction in anti-social behaviour
 - Reduction of fly tipping, vandalism and other criminal activity as well as reducing the fear of crime in the local community
- **Increase opportunities for people in housing need through**
 - More good quality, affordable housing
 - Greater choice
 - Improved standards of housing
- **Help the owners of the properties to benefit through**
 - Rental income or capital
 - Security of the property
 - Unlocking the potential of a wasted resource
- **Benefit the local economy and wider community through**
 - Reduced demand on other services – police, fire, other Council departments etc
 - Reduced demand for building new homes particularly on Greenfield sites
 - Improve the local existing built environment

7. Achieving the Objectives

7.1 To Bring Empty Homes Back into Use

A systematic three stage approach, adopted by many local authorities has been implemented. The starting point for this approach will always be to work with the property owner wherever possible. As previously mentioned there are many reasons why a property becomes empty. Some of those reasons may be sensitive and it is important to be understanding of the full range of different situations that may occur. However, it is also important not to lose sight of the fact that an empty home is a wasted resource and a blight on any neighbourhood.

Owners should be made aware that although we would prefer to work with them, non-action is not an option. As an owner of a property, they must take responsibility for it.

The three stage approach is:

7.1.1 Identification

- *Identify properties for action based on length of time they have been empty, the level of nuisance being caused, and the condition of the building.*
- *Establish ownership and make contact*
- *Decide on proportionate action*

The most useful way of gathering information about empty property is through Council Tax records.

Permission to use this information was given in the Local Government Act 2003 which allowed Local Authorities to use Council Tax information for “identifying vacant dwellings and taking steps to bring vacant dwellings back into use”.

The Empty Homes Officer is also contacted by members of the public, who report empty properties that they are aware of. The Empty Homes pages on the Council website have been developed and have included a facility for members of the public to report an empty home electronically. This may be done anonymously. There is also a dedicated email address emptyhomes@peterborough.gov.uk which goes straight through to the Empty Homes Officer.

The Empty Homes Officer also get reports of empty properties from the <http://reportemptyhomes.com> This is a website set up by the Homes from Empty Houses campaign group in conjunction with Shelter.

In addition to this, the Empty Homes Officer liaises with visiting officers in Neighbourhood Enforcement, Planning Services and Building Control Services, talks to neighbours, accesses Land Registry Online and checks with Probate Offices.

7.1.2 Encouragement & Incentive

- *Work with the owner offering advice and assistance*
- *The aim is to bring the property back into use through voluntary action of the owner*

In the first instance our aim is to provide advice and assistance to the owner with a view to outlining the options that are available to them. The options are to rent out the property, to sell the property or to live in it themselves. How quickly they are able to do any of these will depend on the condition of the property.

A three stage template letter process has been developed which escalate in seriousness. Please refer to Appendix B for sample template letters.

Once the three stage letter process has been instigated, the property is assessed to determine its condition and its affect on the local area. A priority status score is then calculated and an overall priority rating for action is determined. Please refer to Appendix C for a sample Empty Homes Assessment Form.

Incentives for Owners

In order to facilitate the return of empty properties back into use, a framework of incentive options has been developed to assist owners. The Empty Homes Officer will determine the most appropriate incentive depending on the priority rating.

- **The Peterborough Empty Homes Partnership**
 - In March 2012 Cross Keys Homes, with the support of Peterborough City Council and Huntingdonshire District Council, were successful in their bid to the Empty Homes Funding administered by the HCA.
 - Just over £1 million was received (the 12th highest grant award in the country) and this will be match funded by Cross Keys Homes with the aim of bringing 100 properties in Peterborough and 20 properties in Huntingdonshire back into use as affordable housing by the end of March 2015.
 - The Empty Homes Officer will identify owners of empty property that will potentially qualify for this funding and carry out all necessary negotiations with the owner. The property will be surveyed to identify what improvements are required. Before and after refurbishment valuations will be made and a proposed lease under which Cross Keys Homes will carry out the work in return for the owner accepting a reduced rent under a short lease (5 – 20 years) will be offered.
 - The property will then be let as an affordable rent and managed by Cross Keys Homes and advertised through Choice Based Letting to people on the Housing Register and who are currently homeless or in need of housing in a more suitable property due to their present circumstances.
 - At the end of the lease period the owner will receive the property back in its improved state.
 - Cross Keys Homes will also consider purchasing properties and offering them under shared ownership subject to an evaluation of housing need/financial resources as part of appraising potential shared owners.

- **Private Leasing Scheme with Cross Keys Homes**
 - The Council have run a private Sector Leasing Scheme since April 2006 making properties available for rent through choice based letting and housing families in need on the housing register.
 - The leasing scheme guaranteed the rental income to the owner for a period of three to five years (depending on whether financial assistance was given) with no void losses between lettings. Our partner “Homes from Houses” managed the property throughout the leasing period, providing a hassle free way for owners to earn an income from a former empty property.

- Recently, the current leasing arrangements have faltered due to our partner feeling unable to guarantee the rent to new cases particularly in light of the proposed changes to local housing allowance and the welfare benefit reforms, including the proposed move to a Universal Credit.
 - As an extension to the Empty Homes Partnership, we are currently in negotiation with Cross Keys Homes to finalise a Private Leasing Scheme that can be offered to owners of both empty and tenanted properties who either can not or do not want the responsibility of property management. The aim is to have these leasing arrangements in place by the 1st April 2013.
 - This leasing scheme can be offered to owners of empty property who do not want to enter into the Empty Homes Partnership with Cross Keys as they do not want to be tied into a long lease arrangement or it is not financially viable for them to do so.
 - This leasing scheme will be used to ensure acceptable standards of accommodation are met to enable the Housing Needs Service to discharge its homelessness duty into the private rented sector and will also be used after enforcement action has been taken due to landlords not licensing properties and where the Local Authority has a statutory duty to take over the management of that property.
- **Rent Deposit Scheme**
 - The Rent Deposit Scheme is administered by the Housing Needs Service. Many prospective tenants do not have the necessary funds to provide a landlord with a deposit.
 - This scheme can help to encourage an owner to bring a property back into use by guaranteeing the deposit and give them peace of mind and will be used in conjunction with the Private Leasing Scheme.
- **Hope into Action Partnership**
 - Government announced at the end of September 2011 that community groups and voluntary organisations would be able to bid for £30 million of the total £100 million Empty Homes Funding administered by the HCA.
 - In July 2012 Peterborough City Council supported the successful bid by the charity Hope into Action which aims to provide accommodation and support for clients (aged 18-85) who are least able to obtain suitable housing or support by other means.
 - Hope into Action currently run 9 properties in partnership with local churches. The award (amounting to £193,000) is to purchase and renovate 2 further properties which will be used to provide homes to homeless people in Peterborough.
 - The Empty Homes Officer will identify suitable properties and assist in the negotiation of the sale of those properties through liaison with the owner.
 - It is hoped that further grant opportunities will be available through the HCA to continue this and other partnerships in the community/voluntary sector in the future.

▪ **Empty Homes Assistance**

- In the past, an Empty Homes Grant was available to owners of long term empty properties up to a value of £20,000 subject to the property then being signed up for a period of 5 years through the Council's Private Sector Leasing Scheme.
- The 40% reduction of the Council's capital programme for Repairs Assistance from £1,700,000 to £1,020,000 in 2011/2012 resulted in the withdrawal of this grant.
- We are currently exploring the feasibility of utilising some of the money generated by the New Homes Bonus to establish a recyclable loan fund that will give owners of long term empty properties an incentive grant of up to £20,000 to carry out essential works. Repayment of the grant through a proportion of the rental income will be made over a 5 year period allowing the full amount of the grant to be repaid and re-used. The property will be placed on the leasing scheme and the council will have full nomination rights to the property for families on the housing register in housing need.
- Again, this funding could be utilised for owners of empty property who do not want to be tied into a long lease arrangement or it is not financially viable for them to enter in the Empty Homes Partnership with Cross Keys Homes.
- Please refer to Appendix D which illustrates how a recyclable empty homes grant fund might work.

▪ **Accreditation**

- Officers are currently looking at the feasibility of Peterborough City Council adopting an Accreditation Scheme for landlords of privately rented properties operated nationally by the National Landlords Association (NLA)
- The benefits of this include landlords becoming part of a nationally recognised scheme and being able to verifiably promote their service as a good landlord. They can improve their knowledge and property management skills and use the NLA Accredited logo and Landlord Certificate which will assist potential tenants in their choice of properties and ensure acceptable standards of accommodation are met to enable the Housing Needs Service to discharge its homelessness duty into the private rented sector.
- The Empty Homes Officer will actively encourage owners of empty properties who wish to retain their properties to join the Accreditation Scheme to give them the skills and support to offer tenancies and manage the property effectively.
- Please refer to Appendix E which outlines the NLA's Accreditation Scheme and the Code of Practice that NLA members are required to abide by.

- **Energy Performance Certificates**

- Since 1st October 2008 landlords have been required to provide an Energy Performance Certificate (EPC) when they rent out a house giving information on the energy efficiency of the property. It provides an energy rating of a home from A to G where A is very efficient and G is very inefficient. The landlord must make the EPC available free of charge to prospective tenants
- EPCs are valid for 10 years and can be reused as many times as required within that period – it is not necessary to commission a new EPC each time there is a change of tenant.
- EPCs must be produced by an accredited assessor and will have a unique number which is entered on a national register. The provision of EPCs is enforced by Trading Standards who can impose a penalty charge of up to £200 for each breach.
- The Energy Act 2011 makes the provision that from April 2016 landlords of residential properties will not be able to unreasonably refuse requests from their tenants for consent to energy efficiency improvements where financial support, such as the Green Deal and the Energy Company Obligation (ECO) is available
- Following this from April 2018, private rented properties must be brought up to a minimum energy efficiency rating of 'E'. This provision will make it unlawful to rent out a house or business premise that does not reach this minimum standard.
- In advance of regulations coming into force, the Council will be encouraging landlords and owners of empty property to plan energy efficiency improvements effectively and will be working in partnership to develop Green Deal and Energy Company Obligation (ECO) funded projects within the City.
- The Empty Homes Officer is also an accredited Domestic Energy Assessor and as an incentive to bringing empty properties back into use and for joining the NLA's national Accreditation Scheme, we are developing a competitive pricing structure for EPCs that can be offered to landlords and owners of empty property.

- **VAT Relief on Empty Homes**

- Owners who renovate properties that have been empty in excess of 2 years can pay reduced VAT at 5%
- If the property has been empty in excess of 10 years works are VAT exempt
- The owner is usually required to provide documentary evidence of the length of time the property has been vacant – which the Empty Homes Officer can usually provide

- **Inspections**

- All empty properties will undergo a full inspection under the Housing Act's 2004 Housing Health & Safety Rating System (HHSRS) inspection regime to identify defects which pose a significant hazard within the property. Advice and assistance is given to owners to ensure those hazards are reduced to an acceptable level to ensure all properties brought back into use are safe, healthy and energy efficient.

- This inspection also forms the basis for the service of statutory Improvement Notices where defects are found in a property which poses a significant risk to the health and/or safety of any potential occupiers and where co-operation of the owner has not been forthcoming
- **Information and Advice**
 - Some owners of empty homes do not know what to do with them and we can provide advice and assistance to help them.
 - The initial approach is to offer them advice and address the issues and concerns about the nuisance that can be associated with empty homes
 - We can put them in contact with builders and other agencies that can assist with letting and leasing their home, including the NLA Accreditation Scheme.
 - The owners are also made aware of their legal obligations and the legal options available to the Council if homes are not returned to use.

7.1.3 Enforcement

- *When all other negotiation and persuasion has failed, we will take appropriate enforcement action to ensure the property is in habitable condition and free from high risk hazards in order that it can be brought back into occupation.*

Where the encouragement option has failed and owners are not willing to engage proactively with the Empty Homes Officer, or where it is considered that the property is unlikely to be brought back voluntarily, there is little option but to proceed with enforcement action. By closely following the approaches outlined above and recording all actions taken, an extensive evidence base will have been built up which demonstrates that the Council has taken all reasonable steps to bring the property back into use voluntarily. This evidence base will accelerate the enforcement process and increase the chance of success if the owner were to appeal the enforcement action.

Enforcement action through the Empty Homes Strategy is to ensure the re-occupation and/or refurbishment of the empty property. This action can be in addition to action taken for other issues such as accumulations, vermin or other action taken by Planning or other service areas. The property will be evaluated to ascertain which enforcement option is most suitable for that particular case and will consideration will be given to whether there is a history of nuisance or anti-social behaviour and the impact on the surrounding neighbourhood.

When enforcement is taken, the Empty Homes Officer will aim to ensure the property is brought back into use as quickly as possible through whatever means the form of enforcement action dictates. Preference will be given to leasing schemes and partnership arrangements with Registered Providers for affordable housing but private sales and renting will also be considered.

Enforcement Options are:

- **Empty Dwelling Management Orders (EDMO's)**
 - EDMO's were first introduced in 2006 and allow local authorities to take management control of an empty property for up to 7 years, carrying out any necessary repairs and arranging for the property to be rented out during this period.
 - The owner retains the right to sell the property and receives any surplus income made during this time once management costs and refurbishment costs have been reclaimed from the rental income.
 - Government has now changed the criteria for using an EDMO. The minimum time a property has to be empty has increased from six months to two years. An EDMO is also now only applicable for properties attracting anti-social behaviour. This will inevitably restrict its use to a smaller number of properties, but will remain a valuable tool for long term empty properties having a significant adverse impact on a neighbourhood.

- **Enforced Sale**
 - The Law of Property Act 1925 allows local authorities to recover charges through the sale of the property. This option can only be utilised where there is a debt to the local authority registered as a charge on the property and this can be in the form of Council Tax debt or works in default following notices being served to remove accumulations or carry out improvement works etc.
 - This option is more attractive than compulsory purchase as it does not require the authority to take ownership of the property and sell it on and therefore requires no capital outlay.
 - At the time of writing this Strategy, the first enforced sale involving a long term, problematic empty property has just been successfully completed which involved close collaborative working between the Empty Homes Officer, Housing Enforcement, the Housing Needs Service, Council Tax and Legal Services.
 - As well as recovering a substantial amount of debt owed to the Council it is hoped the publicity from this enforced sale should encourage other owners of long standing, problematic empty properties to actively engage with the Council to prevent similar action.

- **Improvement Notices**
 - All empty properties undergo an assessment by the Empty Homes Officer and an inspection carried out under the Housing Act 2004 Housing Health & Safety Rating System (HHSRS). The Housing Act places a duty on local authorities to take action when the most serious Category 1 hazards are identified. The authority has the option to serve Improvement Notices requiring the owner to carry out the necessary works to remedy defects which will reduce the hazards to an acceptable level.

- If the owner fails to comply with a notice, the authority can arrange for the works to be carried out in default and recover the costs from the owner. Any costs are registered as a local land charge against the property and may count in any subsequent enforced sale action.

- **Compulsory Purchase Orders (CPO's)**

- CPO's can be made under Sect 17 of the Housing Act 1985 or under Sect 226 (as amended by the Planning & Compulsory Purchase Act 2004) of the Town & Country Planning Act 1990, for the provision of housing accommodation or to make a quantitative or qualitative improvement to existing housing.
- The initiation of a CPO is often enough to encourage owners to bring their properties back into use voluntarily.
- This process is costly with regard to time and resources and is used only when all other options are unsuccessful as it removes ownership from the current owner.

Please refer to Appendix F where a detailed list of the enforcement powers available to the local authority can be found.

The systematic three stage approach for bringing empty properties back into use with escalating letters making it easier for the owners to engage allows for effective monitoring of progress of a large and often complex workload. However, it also allows time for the Empty Homes Officer to deal with the difficult, time consuming and often high profile cases of empty properties that are having a serious and detrimental impact on neighbourhoods.

The introduction of the New Homes Bonus encourages the return to use of all empty properties. The reward is the same, no matter what condition the property is in or the level of work involved to secure re-occupation. It would be wrong, however, just to concentrate activity on the "quick wins" in order to obtain the maximum bonus available. The detrimental effect of empty properties on the community includes urban decline and blight and they can become a magnet for crime, anti-social behaviour and nuisance as well as discouraging investment in an area.

It is important to reach a compromise on the approach to tackling empty properties ensuring those that can be returned to use quickly through minimal help and advice are dealt with, but also that the worst empty homes in the City are also effectively tackled to achieve refurbishment and re-occupation.

Please refer to Appendix G where a process flow diagram illustrating the full procedure for dealing with empty homes can be found.

7.2 To offer a Comprehensive Advice and Assistance Service

As explained in the 7.1.2 Encouragement section of this strategy how in the first instance our aim is to provide advice and assistance to the owner of an empty property with a view to outlining the options that are available to them. Advice and assistance will focus on:

- Whether the property requires any work in order to make it habitable? If so, does the owner intend to fund direct, seek private finance or do they require grant assistance
- Whether the owner wants to rent the property out? Do they intend to rent out privately or through a leasing scheme? The Empty Homes Officer can outline the schemes available and carry out financial viability modelling
- Whether they are aware of the current VAT rates for developing empty properties
- Whether they want to sell the property. The Empty Homes Officer can forward a list of potential purchasers who have registered an interest with us and offer guidance on looking for estate agents and letting agents locally.
- Whether the property has been subject to any complaints? It may be necessary to take action against the owner if there are issues such as vermin, rubbish, 'nuisance' to adjoining properties or if the condition of the property is affecting the local amenity
- The Empty Homes Officer also liaises with the wider community that may be affected by a problematic empty property, noting their concerns and issues and updating them on progress made in returning the property to use.

7.3 To Maximise Income from the New Homes Bonus

An empty property returned to use is rewarded in the same way as a new home via a "bonus" equivalent to the council tax income to the local authority for six financial years following the date it was brought back into use. The Coalition Government is encouraging local authorities to re-invest the bonus in empty homes work to reduce the number in its area and also to make tackling empty properties part of their overall approach to meet housing need.

Conversely, however, as the New Homes Bonus is calculated on the net available housing stock, an increase in the number of empty properties will attract a penalty, negating any New Homes Bonus that may be payable on new build, affordable properties. In order for Peterborough City Council to benefit from the New Homes Bonus, it is vital that not only do we work to reduce the number of empty properties in the city but to also ensure the number continually remains as low as possible.

DCLG have recently released details on delivery and payment of the empty homes element of the New Homes Bonus. The figures for Peterborough City Council are as follows:

Empty homes bought into use (data derived from Council TaxBase form Oct 09 to Oct 10)	25
Y1 delivery: empty homes component of payment	£51,812
Empty homes bought into use (data derived from Council TaxBase form Oct 10 to Oct 11)	134
Y2 delivery: empty homes component of payment	£124,422
Total 2012-13 Empty Homes payment: i.e. Y1 2nd instalment plus Y2 1st instalment	£176,234
Total payment for Empty Homes over 2011-12 and 2012-13: i.e. 2 x Y1 instalment and 1 x Y2 instalment	£228,046

These figures reflect the increased activity in bringing empty homes back into use resulting from the appointment of a full-time, dedicated Empty Homes Officer in July 2011. It is expected that increased empty homes activity achieved through the dedicated resource of a full time Empty Homes Officer from October 2011 to date will be reflected positively in future instalment payments of the New Homes Bonus.

Empty homes activity carried out by the Empty Homes Officer is instrumental in updating council tax records and subsequently informs the annual snapshot of the Council Tax register which forms the basis for the New Home Bonus funding from Government. We are committed to ensuring this money is recycled back into the ongoing work with empty homes. This Strategy commits The Housing Programmes Team to provide empty homes loans to landlords ensuring the available housing stock in the City is maximised and secured for households on the council's housing register and therefore reducing the pressure on the council's bed and breakfast budget for homeless families in the City.

7.4 To Improve our Evidence Base

The Empty Homes Officer uses a dedicated Empty Homes Module of the Northgate Public Protection Software currently in use across various housing teams with Neighbourhoods. The database has been built up using information relating to empty properties from reports from various sources including information from Council Tax records and Land Registry information.

The database provides a reference point enabling us to monitor the number of long term empty properties, the date it became vacant, its current condition, ownership details, current status, a history of correspondence and communication and informal and enforcement action taken.

If a complaint from a member of public or an elected member is received, or if a property is notified to us by any other field based officer from any department as being of imminent danger or concern, the length of time it has been vacant become irrelevant. If the property is not already being investigated, it is added to the Empty Homes Officer current workload and prioritised accordingly.

The accuracy of Council Tax data must be evaluated regularly to ensure that the overall picture of empty homes in the City is as accurate as possible. The Empty Homes Officer works closely with colleagues in Shared Transactional Services (Council Tax) and carries out verification visits on properties listed as empty for longer than six months.

This ensures properties have the correct designation which contributes to the cleansing of data in order to report accurate empty property figures for the purpose of the New Homes Bonus.

Peterborough City Council's Neighbourhood Window will also enable us to map long term empty properties across the City and to identify those areas where the problem is most pronounced and can overlay those areas with information on anti-social behaviour and crime.

7.5 To raise awareness of the Empty Property Issue

In order to ensure the profile of empty homes work and its contribution to the New Homes Bonus is maintained it is necessary to liaise with other departments within the Council including:

- The Media & Communications Team
- The Housing Strategy Team situated within Strategic Planning & Enabling
- The Housing Needs Service
- Shared Transactional Services (Council Tax)
- Operations Financial Services Team
- Housing Enforcement Officers situated within Neighbourhood Enforcement
- Planning Services
- Building Control Services
- Members Services

The recruitment of a dedicated, full time Empty Homes Officer has also prompted favourable press coverage about empty properties across the City on BBC Radio Cambridgeshire, Heart FM and the Peterborough Evening Telegraph. It is our aim to keep the issue of empty properties and the work of the Empty Homes Officer regularly in the spotlight by regular press releases.

A series of leaflets and factsheets are being produced to assist owners of empty properties which will be placed on a dedicated Empty Homes web page on the Councils website.

7.6 To Retain Dedicated Staff Resource

A dedicated full time Empty Homes Officer has been appointed and commenced duties in July 2011. This post is situated in the Housing Programmes Team within the Strategic Housing Service of Neighbourhoods. This appointment has increased the Council's capacity to deal effectively with empty properties across the city and the post holder is able to work effectively with colleagues across Neighbourhoods including:

- The Housing Needs Team – working to identify and target property types and address specific housing needs, including liaison with the Rough Sleeper Outreach Officer
- The Neighbourhood Enforcement Teams – for housing and pollution enforcement issues
- The Community Safety Team – for properties which are attracting anti-social behaviour or are at risk of attracting squatters

The post holder also works closely with colleagues in other services across the Council including:

- Council Tax – identifying properties and owners details
- Planning Services – information sharing and enforcement issues
- Legal Services – taking enforcement action
- Housing Strategy Team – contributing to the Council's overall strategic housing objectives.

The Empty Homes Partnership with Cross Keys Homes requires detailed negotiated agreement with owners of empty property, including a property survey and a financial appraisal in order to negotiate a proposed term of lease. All empty home activity requires a relationship to be established between the Empty Homes Officer and the property owner to secure the necessary commitment and action to get the property back into use. Ultimately, if voluntary action through the use of incentives is not secured, a detailed case is built in order to secure appropriate and proportionate enforcement action.

The work of the Empty Homes Officer is vital in its contribution to increasing the net available housing stock in the city to meet housing demand as well as bringing properties into use that can be utilised by the Housing Needs Service to reduce the amount of people on the housing register in housing need and to provide private sector homes into which the authority can discharge its homelessness duty.

8. Monitoring & Performance

Performance will be monitored using the following measures:

- *The total number of long term empty properties as at 1st April*
- *The total number of long term empty properties that are returned to occupation or demolished through Local Authority intervention – measured monthly*
- *The number of long term empty properties accepted onto the Empty Homes Partnership with Cross Keys Homes- measured monthly*
- *No of Empty Properties accepted onto the Private Leasing Scheme with Cross Keys Homes*
- *The amount of the empty homes element of the New Homes Bonus received by the Local Authority – measured annually*
- *No of Empty Homes Assistance Loans approved*
- *No of EDMO's in place – measured monthly*
- *No of Enforced Sales executed – measured monthly*
- *No of Housing Act 2004 Improvement Notices Served*
- *No of Boarding Up action – on unsecured properties where there is a risk that it may be entered, suffer vandalism, arson etc*

These performance measures will be reported through the Strategic Housing Section of Neighbourhood Services Performance Framework Dashboard

9. The Empty Homes Action Plan

Objective 1 - To bring empty homes in the private sector back into use, utilising both voluntary means and statutory enforcement powers, which will increase the housing supply, alleviate the numbers of people in housing need on the housing register, improve neighbourhoods and community confidence and contribute to tackling homelessness in Peterborough

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
1	To constantly improve performance in reducing the number of empty homes, by accessing and utilising the latest tools and best practice.	Continuously develop and sustain up-to-date knowledge of best practice procedures, through ongoing research and liaison with appropriate external bodies.	Ongoing	Empty Homes Officer
2	To give priority to nuisance and unsightly properties, but to also increase the number of 'quick hits', to increase the revenue for the Council via the New Homes Bonus.	Using the up-to-date information database, categorising properties on their length of time empty, to provide both long term and shorter term empties in batches, for a broader focus.	Ongoing	Empty Homes Officer
3	To continue to reactively investigate all reports of empty homes received by the public, whilst also monitoring and reviewing points at which active intervention in long-term empty properties is best implemented.	The investigation of all reported empty properties, and proactively investigate all identified long term empty homes.	Ongoing	Empty Homes Officer
4	To increase enforcement activity against prominent and high priority property, whether the owner is known or not, and regardless of their previous co-operation	Identification through the database and priority scoring system, of long term empty and problematic properties to be targeted through EDMO, enforced sale or CPO.	Ongoing	Housing Programmes Manager Empty Homes Officer

5.	Bring long term empty property back into use through the Empty Homes Partnership with Cross Keys Homes	Identification of 120 suitable properties in Peterborough (100) & Huntingdonshire (20). Carry out initial appraisal of properties and complete the financial appraisal. Negotiate and secure owners commitment	By end March 2015	Empty Homes Officer
6.	Implement the NLA Accreditation Scheme for Private Landlords reaching the required standard	Publicise the launch of the NLA Accreditation Scheme in the City. Promote the scheme to owners of both empty and tenanted property. Inspect property and offer agreed incentives to landlords wishing to be accredited	By end December 2012	Empty Homes Officer
7.	Bring long term empty property back into use through the Private Leasing Scheme with Cross Keys Homes	Identify owners of empty property where the Empty Homes Partnership is not financially viable. Encourage owners to hand over property to Cross Keys for the agreed leasing period	Commencing 1 st April 2013	Empty Homes Officer

Objective 2 - To offer a comprehensive advice and assistance service to the owners of empty property, those who are looking to purchase or develop empty property and those who are experiencing problems arising by living near to empty properties

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
8	Advise and inform owners of all possible options available in bringing empty properties back into use.	Frequent and regular recorded communications, including letters, telephone conversations etc, outlining willingness and co-operation of owner, and progression made.	Ongoing	Empty Homes Officer
9	To offer support and advice to property owners whose properties are likely to become empty for a significant period, and tailor support to ensure the property doesn't become a long term empty home.	By promoting the service, offer support to those who have little experience on what to do with a property once empty, to ensure the additions to the long term figures are kept as low as possible	Ongoing	Empty Homes Officer

Objective 3 - To maximise income from the New Homes Bonus and to utilise it effectively by delivering initiatives to tackle empty homes

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
10	Establish a Empty Homes Loan Fund to assist owners to carry out essential repairs to Empty Homes	Develop a business case to utilise the element of New Homes Bonus received for previous activity in bringing empty property back into use to establish a recyclable loan fund	Ongoing	Empty Homes Officer
11	Deliver Empty Homes Loans where the Empty Homes Partnership with Cross Keys Homes is not financially viable	Identify required works through HHSRS assessment, instruct the Care & Repair Home Improvement Agency on required works, negotiate and sign up the owner onto a lease arrangement and monitor repayment taking action where required	Ongoing	Empty Homes Officer

Objective 4 - To improve our evidence base by assembling relevant, accurate and current information

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
12	To produce and maintain an accurate and relevant source database of empty homes, to provide up-to-date and comprehensive information.	A thorough data cleanse process using Council Tax data, to update the database and give accurate statistical and owner information.	Bi-monthly	Empty Homes Officer
13	To visit all properties reported as empty, and note their location, description and condition, for ease of referral or future enforcement.	To increase the knowledge and evidence base of empty homes in the City, and provide and priority score for which enforcement action will be based on.	Ongoing	Empty Homes Officer
14	Forge and improve links between other council departments, particularly Housing Enforcement, Planning and Building Control, Environmental Service and Council Tax.	Arrange cross-departmental meetings, and improving information exchange links.	Ongoing	Empty Homes Officer

15	Update on all aspects of the Empty Home activity, current case progress and new initiatives.	Preparation of monthly empty homes monitoring and performance report, to be shared with Housing Programmes Manager, Neighbourhood Managers and Cabinet Member for Housing	Monthly	Empty Homes Officer
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Objective 5 - To raise awareness of the Empty Homes issue and to promote the service and strategy to owners, neighbours and those affected by empty homes

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
16	To raise awareness of the issues surrounding empty homes to both the public, and to empty home owners, and to improve the communication streams available to the public.	Review and update of publicity material and means by which the service is publicised, through targeted press releases, web based functions and through face to face contact.	Ongoing	Empty Homes Officer
17	To promote and highlight the advice and support network offered by the service, through public interaction and media.	Attending public meetings and community groups, and reach the public through Councillors and personal contact.	Ongoing	Empty Homes Officer

Objective 6 - To retain dedicated staffing resource to tackle the problems of empty homes and to effectively bring them back into use thus preventing the waste of valuable housing resource across the city

Action Number	Targets and Outcomes	Action Description	Target Date	Leading Officer
18	Maximise income through the enforcement of non compliance of landlords of the requirement to have an EPC	Check privately rented property against the national register of EPC's. Issue FPN to landlords who are not compliant	Ongoing	Empty Homes Officer

19	Maximise income through the offer discounted EPC's to landlords of private rented accommodation	Carry out DEA assessment of privately rented properties including empty property being transferred to a leasing scheme and lodge assessment on the EPC register. Issue invoices for all DEA assessments carried out	Ongoing	Empty Homes Officer
20	Annual review of Empty Homes Strategy targets, action plan and available resources.	Review action plan and targets and where possible, access additional funding to resource new/ additional measures.	Dec 2013	Housing Programmes Manager Empty Homes Officer

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10. Appendices

Appendix A - NHB Calculation examples

Appendix B - Three Stage Letter Process

Appendix C - Empty Home Assessment Form

Appendix D - Recyclable Empty Homes Fund

Appendix E - NLA Accreditation Scheme

Appendix F - Main Statutory Enforcement Options

Appendix G - Empty Homes Process Flow Diagram

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New Homes Bonus – Calculation Examples

Possible Local Authority NHB income is illustrated by the following examples calculated using the NHB calculator provided by CLG. For reasons of simplicity, all empty homes returned to use are assumed to be in council tax band D, the average for the City.

Example A

500 new homes are built in Peterborough during 2011/2012. The number of empty homes remains the same. The total New Homes Bonus payable of six years = £3,969,420

Example B

500 new homes are built in Peterborough, and 150 empty homes are brought back to use in 2011/2012. The total New Homes Bonus payable over six years = £5,160,246.

Additional NHB due to empty homes work carried out = £1,190,826

Example C

500 new homes are built in Peterborough in 2011/2012.

This should attract a NHB payment of = £3,969,420, however, the empty homes officer has found 4 cases particularly difficult, and has taken up all of their time during the year. This has led to an increase of 150 empty homes.

This means the actual NHB payment = £2,778,594

Total lost income due to the restricted empty homes work = £1,190,826

The 3 Stage Letter Process

The first letter states that we know about the empty property and offers help, the second stresses that we are awaiting for a response and we still think we can help. The third states that the owner should really let us help and presents the possibility of enforcement action including the service of an Empty Dwelling Management Order, enforced sale procedures or compulsory purchase.

This system provides a structured process that is both consistent and persistent and demonstrates transparency and fairness. Letters can be sent out in manageable batches with set time periods for return and the sending out of subsequent letters. It keeps properties and owners on the Empty Homes Officer's "radar" and allows for effective monitoring of cases and the progress being made. A systematic approach also frees up officer time to be able to deal with the "difficult cases" where detailed casework needs to be compiled for enforcement action.

If the first two stage letters prompt a response from the owner, the Empty Homes Officer can offer advice and assistance as well as building a relationship with the property owner in order to secure voluntary reoccupation of the property. The introduction of the New Homes Bonus makes this initial contact and assistance even more important. The more people that respond to assistance and advice and the more incentives that can be offered to achieve reoccupation of the property at this relatively early stage, means the greater possibility of the reduction in empty homes. This will contribute to the New Homes Bonus received and/or protect the bonus payments earned through the provision of new affordable housing.

If owners do not engage as a result of the letters, the Empty Homes Officer may have to adopt a more individualistic approach with visits and telephone calls to the owner's property and bespoke negotiation detailing the circumstances of the empty property and its impact and the Council's options to secure reoccupation. This work is very detailed and time consuming but is an important part of the Empty Homes Officer role. If successful, this negotiation can reduce the need for formal enforcement action. If not, it will provide the necessary groundwork and justification for enforcement action.

Telephone: 01733 864127
Facsimile: 01733 863811
E-Mail: emptyhomes@peterborough.gov.uk
Please ask for: Adam Cliff
Our Ref: <Property Reference>
Your Ref: <Property_Reference>



OPERATIONS DEPARTMENT

Neighbourhoods - Housing

Bayard Place

Broadway

Peterborough

PE1 1HZ

DX 12310 Peterborough 1

Telephone: (01733) 747474

<First Letter Sent>

<Registered Owner>
<Forwarding Address>
<Forwarding Address Line 2>
<Forwarding Address Line 3>
<Forwarding Address Postcode>

Dear <Addressee>

Re: Empty Property at: <Empty Property Address> <Address Line 2> <Empty Property Postcode>

Our records show that the property at the above address has been unoccupied since **<Date Empty From>**, and that you are the owner, or that you act on behalf of the owner.

In line with Government guidance, Peterborough City Council has developed an Empty Property Strategy working to bring privately owned empty property back into use as homes in the City. We maintain a record of identified empty properties, and your property is currently on this database. Our aim is to work with owners of empty properties to help bring them back into use, and we offer a range of advice and assistance to achieve this.

There are many reasons why it is in the owner's interest to bring an empty property back into use:

- To reduce your costs (council tax, insurance and maintenance bills)
- To generate a regular rental income or a capital sum if you want to sell.
- To provide a valuable resource helping the current housing shortage in the city.
- To provide a home for somebody and their family.
- To reduce deterioration of the property and avoid problems for the community

CAN WE HELP?

Whatever the reason your property has become empty, get in touch with us as there may be ways we can work together. You can telephone or e-mail us. Enclosed is an information fact sheet which outlines the council's empty homes strategy, and some of the options available in dealing with empty homes.

If your property is no longer empty or you already have plans for bringing your property back into use, please let us know so we can update our records, and see if we can still help in any way.

Whatever the reason your property has become empty, we're writing to let you know that we want to help, and look forward to hearing from you so we can work together.

Peterborough City Council is committed to bringing empty properties back into use, so if we haven't heard from you by <Deadline>, we'll contact you again.

Yours sincerely,

Adam Cliff
Empty Homes Officer
Peterborough City Council

DRAFT

Telephone: 01733 864127
Facsimile: 01733 863811
E-Mail: emptyhomes@peterborough.gov.uk
Please ask for: Adam Cliff
Our Ref: <Property Reference>
Your Ref: <Property_Reference>



OPERATIONS DEPARTMENT

Neighbourhoods - Housing

Bayard Place

Broadway

Peterborough

PE1 1HZ

DX 12310 Peterborough 1

Telephone: (01733) 747474

<Registered Owner>
<Forwarding Address>
<Forwarding Address Line 2>
<Forwarding Address Line 3>
<Forwarding Address Postcode>

<Second Letter Sent>

Dear <Addressee>

Re: Empty Property at: <Empty Property Address> <Address Line 2> <Empty Property Postcode>

We wrote to you on **<First Letter Sent>** but we do not appear to have received a reply.

This property has now been registered on the council's Empty Property Database for some time and is one of several that our Council Tax Department has told us are currently registered as having been **unoccupied since <Date Empty From>**. It is therefore important that you let us know as soon as possible how you intend to bring this property back into use.

If you are not sure how to do this, we would welcome the chance to help. A copy of the fact sheet sent previously is enclosed and we can provide further information as required.

We would remind you that there are many reasons why bringing an empty property back into use is extremely beneficial:

- To reduce your costs (council tax, insurance and maintenance bills)
- To generate a regular rental income or a capital sum if you want to sell.
- To provide a valuable resource helping the current housing shortage in the city.
- To provide a home for somebody.
- To reduce deterioration of the property and avoid problems for the community

PLEASE CONTACT US

You can use the reply slip on the fact sheet enclosed or contact us by telephone or email.

If your property is no longer empty, please let us know and we will update our records. Under current legislation there are no Council Tax discounts for unoccupied properties so Council Tax systems will not automatically update when a property becomes reoccupied. **A property will remain registered as empty, unless the owner has advised the Council Tax Department otherwise.** Please note: It is a requirement under Council Tax regulations that owners provide information on who occupies a property.

Peterborough City Council is committed to bringing empty properties back into use, so if we haven't heard from you by <2nd Deadline> we will contact you a final time before considering any further options or action.

Yours sincerely,

Adam Cliff
Empty Homes Officer
Peterborough City Council

DRAFT

Telephone: 01733 864127
Facsimile: 01733 863811
E-Mail: emptyhomes@peterborough.gov.uk
Please ask for: Adam Cliff
Our Ref: XXXX/XXX
Your Ref: XXXX/XXX

PETERBOROUGH

CITY COUNCIL
OPERATIONS DEPARTMENT

Neighbourhoods - Housing

Bayard Place

Broadway

Peterborough

PE1 1HZ

DX 12310 Peterborough 1

Telephone: (01733) 747474

Address

Date

Dear

Re: Empty Property at:

We wrote to you on XXXXXXXXXX and XXXXXXXXXX, but we still have not received a reply.

This property is now causing the council concern as it has been registered on our Empty Property Database for a considerable period of time and is one that our Council Tax Department has confirmed has been registered as **unoccupied since XXXXXXXXXX**.
(Please note: A property will remain registered as empty, unless the owner has advised the Council Tax Department otherwise.)

We are continuing to contact you in line with Government guidance which requires local authorities to develop and implement strategies to work with owners of empty property to help them bring them back into use as homes.

Please let us know how you intend to bring this property back into use.

IMPORTANT – PLEASE DO NOT IGNORE THIS LETTER

We make it our priority to work **with** owners of empty properties providing advice, help and funding where appropriate (see enclosed fact sheet). However, if the council is unable to engage with owners, despite repeated attempts to do so, we will consider further action to ensure the re-use and reoccupation of the property. **This may include making recommendations for a range of enforcement action under current legislation, including an Empty Dwelling Management Order (EDMO), whereby control of the property is given to the local authority, an enforced sale, or the serving of a compulsory purchase order.**

Peterborough City Council is committed to bringing empty properties back into use so, if we haven't heard from you by XXXXXXXXXX, this property will automatically be assessed for priority and any further action will be decided based on that assessment.

Yours sincerely,

Adam Cliff
Empty Homes Officer
Peterborough City Council

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Empty Property Assessment Sheet

Used for scoring properties after the three letter process, to determine condition and affect on local area, to result in priority status score.

Priority Level	Scoring Bracket
High	> 45 Points
Medium	16 – 44 Points
Low	0 - 19 Points

Empty Property Assessment Form

Property Address	
Date Confirmed Empty	

Criteria	Score
<u>Length of Time Empty</u>	
18 Months – 2 Years	1
2 – 6 Years	3
> 6 Years	5
<u>Appearance</u>	
No Detriment to Area	0
Minor Detriment to Area	3
Major Detriment to Area	5
<u>Dangerous Structure</u>	
No	0
Possible, with further deterioration	2
Yes	5
<u>Nuisance</u>	
None	0
Minor	1
Significant	5

<u>Appearance of Surrounding Property</u>			
Good		5	
Fair		3	
Poor		2	
<u>Marketability / Habitability</u>			
Saleable in present condition		0	
Needs some improvement / repair		1	
Needs substantial renovation before occupation		3	
Not repairable at reasonable cost		5	
<u>Ownership</u>			
Contactable and responsive		1	
Contactable but not responsive		3	
Unable to trace		5	
<u>Owner's Attitude</u>			
Non compliant / uncooperative		5	
Some co-operation or compliance		3	
Willing and compliant		1	
<u>Enforcement History</u>			
None		0	
Statutory notice and / or work in default		5	
<u>Social Impact</u>			
Incidents of arson / fire		5	
Incidents of fly-tipping		3	
Infestation by vermin		3	
Associated with ASB		5	
<u>Total</u>	_____	<u>Priority Rating</u>	HIGH / MEDIUM / LOW

Recyclable Empty Homes Fund over 5 year Repayment Plan

Empty Home Loan Funding Example

Property Type:	Semi Detached
Bedrooms	3
Value Pre-Refurbishment	£95,000
Value Pos-Refurbishment	£120,000
Refurbishment Cost	£15,000
Refurbishment Time	3 Months
Rental Income PCM @ LHA Rate	£560
Loan Fee	3%
Management Fee	9%
Lease Length	5 Years

	Year 1	Year 2	Year 3	Year 4	Year 5
Loan Payment	£15,000	0	0	0	0
Refurbishment Time	3 Months	0	0	0	0
Rental Months	9	11	11	11	11
Void Months	0	1	1	1	1
Income PCM @ LHA Rate	£560	£570	£580	£590	£600
Loan Repayment	£3,000	£3,000	£3,000	£3,000	£3,000
Interest Due	£450	£360	£270	£180	£90
Management Fee	£450	£600	£600	£600	£600
Maintenance costs	£250	£500	£750	£750	£750
Rent due to owner	£890	£1,810	£2,010	£2,210	£2,410

This example gives an outline of the possible costs and rental income an owner can expect, and although the rental income may initially seem low for the duration of the lease, the owner will ultimately end up with a refurbished property with an increased value at the end of the lease term. This calculation doesn't include the saving made on bills and insurance such as council tax, and the repair of the property should it become victim to vandals.

The interest rate is set at a low amount to increase the chances of owners taking up the scheme, with additional revenue made for the council through council tax payments and the payment of the New Homes Bonus reward.

- The loan is repaid over the period of the lease, with interest, resulting in Peterborough City Council retaining the financial asset as well as gaining interest over time
- Interest is purposely kept at a low rate, to ensure the loan through Peterborough City Council is favourable when compared with high street banks.
- The loan amount will be placed as a charge on the property, so that should the owner wish to sell once the refurbishment is carried out, the loan can be repaid through the proceeds of the sale. This ensures the investment of the council is secure and the charge is the first charge on a property therefore has priority over any others.
- The lease periods are flexible, although ideally kept below five years as to not produce a conflict of interest with the current Empty Homes Partnership run in conjunction with Cross Keys Homes.
- The maintenance costs over the duration of the lease are expected to rise over time, as works carried out at the start of the scheme will ensure that the property is up to the decent homes standard. As time progresses and faults occur, it is expected that this cost will increase and therefore is accounted for.
- A management fee of 9% of the rental income is charged to cover all administration costs of letting, advertising and managing the property. When compared with that of estate and letting agents available on the open market, this represents good value for money.

NLA Accreditation Scheme

Landlord Accreditation is becoming increasingly important to landlords, tenants and local authorities. The NLA provides a central, nationally recognised accreditation scheme offering a UK-wide banner for responsible landlords to verifiably promote their services.

It costs local authorities nothing to work with us on NLA Accreditation as we look after all of the administration including course bookings, provision of trainers as well as handling all enquiries about the scheme. Once a landlord has completed the course to become accredited we are able to share their contact details with you.

This is set out in the NLA scheme rules document.

NLA Accreditation was designed to act as a stand alone model of accreditation. We believe as an organisation that landlords like all other professions should be accredited on what they know about the sector. However, it can also work well next to an inspection based element which some local authorities chose to do. In these cases it is essential that the NLA and the council work closely together to ensure that landlords in the relevant area are aware of the two aspects to the scheme.

Landlords can achieve NLA Accredited Status by:

1. Completing our one day attendance-based NLA Landlord Development Foundation Course (discounted for members), or completing the core subjects on the NLA Online Library (FREE for members).
2. If not already an NLA member all landlords are advised of The NLA Code of Practice which sets out the principles of best practice on managing a tenancy.
3. Signing up to the Scheme Rules in which Continued Professional Development is a requirement as well as agreeing to the terms of our complaints process.

Benefits of accreditation

- Landlords are part of a nationally recognised scheme that all tenants & councils can recognise no matter where they are based
- Improve their knowledge and property management skills
- Gain a competitive advantage over the local competition
- Verifiably promote their service as a good landlord
- Use of the NLA Accredited logo
- Display the NLA Accredited Landlord Certificate
- Appear on our online register of members as an NLA Accredited Landlord

Does a landlord need to become a member of the NLA in order to be accredited?

No, the NLA accepts that some landlords may just want to use the facilities required for accreditation. These landlords are able to purchase an Online Library subscription for £45 a year. This just gives them access to the Online Library where all the development to become accredited and sustain it is held. However, by becoming a member of the NLA they will benefit from on-going support to deal with landlord related matters and gain access to a range of benefits and services that are exclusive to NLA members.

NLA Code of Practice

Introduction

- 1.1 The NLA Code of Practice (CoP) is designed to raise and maintain standards in the private-rented sector. It sets out the standards of good practice that member landlords are expected to observe in connection with the letting of their residential properties, and it seeks to promote good relations between landlord and tenant by ensuring a good standard of service to tenants.
- 1.2 Members of the NLA, whether they manage their lettings themselves or do so through an agent or any third party, are expected to observe the CoP.
- 1.3 Amendments to the CoP will be made as necessary by the Board of the NLA and notified to members. Should there be any inconsistency between legislation and the CoP, legislation will take precedence.

Creating a Tenancy

- 2.1 The landlord should provide tenants with a written statement of the terms of their occupancy, stating the:
 - 2.1.1 Address of the property being let, and what it is.
 - 2.1.2 Start and end dates of the tenancy period.
 - 2.1.3 Rent terms (frequency and method of payment).
 - 2.1.4 Deposit amounts (and how the deposit will be protected).
 - 2.1.5 Landlord's contact address in the UK for the service of notices.
- 2.2 The landlord will make every effort to assist the tenant with the understanding of their tenancy agreement, referring them if necessary to an independent body for further advice.
- 2.3 The landlord will inform the tenant in writing of any additional charges, utility bills, ground rent or maintenance charges that the tenant will be required to pay during the tenancy, stating where possible the amounts for each and the frequency and method of payment.
- 2.4 The landlord will provide the tenant, at the beginning of the tenancy, with a telephone number or other means of contacting the landlord or their agent in an emergency; in particular when the landlord is absent.
- 2.5 The landlord will give such reasonable assistance as is required by a local authority to enable a tenant to claim housing benefit.
- 2.6 If a tenancy is managed by an agent or other third-party there should be communication between the landlord and the agent regarding the NLA Code of Practice and its recommendations.

Maintaining a Tenancy

- 3.1 NLA members are expected to abide by relevant landlord/tenant law, including racial equality and disability legislation, in the management of their lettings businesses. Where not covered specifically by the CoP, landlord/tenant law will, by implication and by default, be considered part of the CoP. In particular:
 - 3.1.1 Tenants will be treated with appropriate courtesy and respect and will not be deliberately misled.
 - 3.1.2 The landlord will act in a fair, honest and reasonable way in all their dealings with the tenant and will not, as far as is reasonable, disclose personal tenant information to other parties without their consent.
 - 3.1.3 The landlord will acknowledge promptly (usually within two working days of receipt) all communications received from the tenant.
 - 3.1.4 The landlord will inform the tenant of any change of manager or landlord contact details.
 - 3.1.5 The landlord will abide by the rules of any tenancy deposit scheme of which s/he is a member and accepts that any breach of relevant scheme rules may result in a review of NLA membership.

- 3.1.6 All disrepair in the property for which the landlord is responsible will be attended to promptly, with minimum disturbance to the tenant.
- 3.1.7 Wherever possible urgent repairs will be dealt with within 3 working days and less urgent repairs as soon as practicable.
- 3.1.8 The landlord will respect the tenant's rights to peaceful and quiet enjoyment of the property and will, emergencies excepted, ensure the tenant is given reasonable notice of at least 24 hours when access to the property is required by the landlord or agent.
- 3.1.9 The landlord will provide the tenant with accommodation that complies with legal requirements relating to the fitness of accommodation (including, but not limited to, the provision of furniture, gas and electrical supply and appliances and their service/maintenance and repair, provision of rent book for weekly tenancies as appropriate, and local authority occupancy standards).
- 3.1.10 The landlord will, when requested, provide the tenant with a written statement of their tenancy account within five working days.
- 3.1.11 Before proceedings are commenced, the tenant will be notified of any breach of the tenancy agreement that is to be used as a basis for legal proceedings against the tenant.

Determination of a Tenancy

- 4.1 Members taking and holding a tenancy deposit, or on whose behalf a letting agent takes and holds a tenancy deposit, will do so in accordance with any legal requirements for the protection of deposits which may be in force at the time. At the end of the tenancy the landlord will return any deposit paid by the tenant promptly in accordance with tenancy deposit protection legislation in effect at the time.
- 4.2 The landlord will not refuse a tenant a reference for the purposes of securing a new tenancy, without good cause.

Complaints

- 5.1 The objective of the NLA Code of Practice is to promote a professional approach to residential lettings and to improve standards in the sector, not to penalise. If members are found not to have met the standards and expectations of the Code, the NLA will, wherever possible, seek rectification and a commitment from the member to avoid repetition. The NLA will support and encourage members towards improving their practices.
- 5.2 The Code of Practice is an informal and voluntary process, in that the NLA has no power to compel a member to comply. Nevertheless, if a member were to refuse to comply, it would ultimately call into question their membership.
- 5.3 Any complaint about an NLA member should in the first instance be notified to the member directly in writing who should be given sufficient opportunity to resolve the matter.
- 5.4 If this has already been done, and you are not satisfied that it has been dealt with properly, you can make a complaint about an NLA member via the following process:
 - 5.4.1 Complete the form entitled Complaint about an NLA member (this is available in the About Us area of the NLA website).
 - 5.4.2 The form will ask for the name, contact details and where appropriate the position of the complainant.
 - 5.4.3 The form will also ask for confirmation as to which part of the Code of Practice you believe the NLA member has not upheld.
 - 5.4.4 Under a protocol approved by the Board of the NLA, your complaint will be reviewed by a case administrator. The case administrator will ensure that the complaint is relevant, appropriate and presents a possible breach of the Code of Practice. This will include checking that the landlord's NLA membership was in place at the time of the alleged breach of the Code NLA Accreditation 10

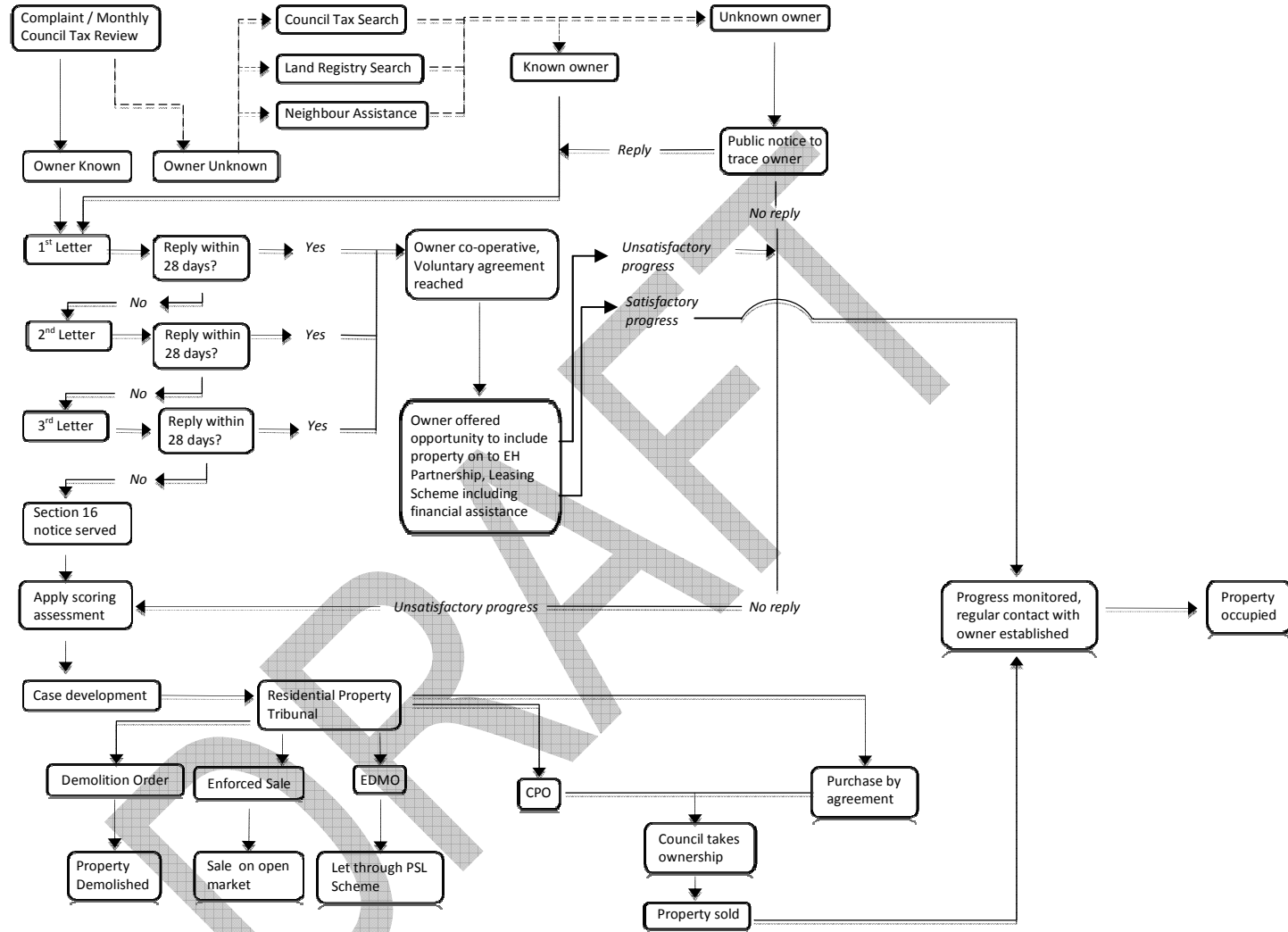
- 5.5 If the NLA Board becomes aware of a possible breach of the Code of Practice, it can initiate an investigation without the need for a formal complaint.
- 5.6 If a complaint is considered valid, the NLA will acknowledge receipt of the complaint and advise the complainant that it will be investigated. If the complaint is considered inappropriate, the case administrator will inform the complainant in writing of the reason.
- 5.7 The case administrator will also agree a realistic timeframe with the landlord within which they should respond to the complaint. All parties involved will be advised of the agreed timeframe.
- 5.8 Once the form and landlord's response have been received, the relevant paperwork will be passed over to a case handler who will review the case in consultation with the Director of Operations or the Chief Executive Officer and the Director in charge of complaints on the matter.
- 5.9 By liaising with the case handler, the case administrator will first attempt to resolve the complaint with all parties via mediation between all parties involved in the complaint
- 5.10 If mediation or recommendations to make changes fails, a report will be submitted to the Board of the NLA, which it will consider at its earliest opportunity.
- 5.11 If the Board accepts a report that the member concerned is not in breach of the CoP, the Director in charge of NLA complaints will write to the member informing them that no further action will be taken.
- 5.12 If the Board of the NLA accepts a report that the member concerned is in breach of the CoP, the Director in charge of complaints will write to the member concerned informing them of the Board's conclusion and the proposed remedy. The remedies may include:
 - 5.12.1 Recommending that the landlord completes development within the NLA relating to the nature of the complaint.
 - 5.12.2 Advising the landlord (and/or tenant) in writing of the NLA's recommendation of best practice to adopt in the future relating to the issues raised in the complaint.
 - 5.12.3 All recommendations will be made following consultation with the director in charge of complaints.
- 5.13 If the Board accepts a report that a member has breached the CoP and decides that the breach is of sufficient gravity to warrant exclusion from membership of the NLA, the Director in charge of NLA complaints will write to the member concerned advising them that the Board is 'minded to' exclude them from membership. In this situation, the following procedure will apply:
 - 5.13.1 Immediate suspension of member benefits.
 - 5.13.2 The member will be offered the opportunity to make written representations within one month as to why the Board's decision should not be confirmed. Oral representations will not be accepted.
 - 5.13.3 The Board will take account of any written representations and either confirm or amend its decision.
 - 5.13.4 The Director in charge of NLA complaints will write to the member informing them of the Board's decision.
- 5.14 The member or the complainant may appeal against the Board's decision. Appeals will be considered by an independent adjudicator. The party submitting an appeal must submit this in writing and agree to:
 - 5.14.1 To accept as final the decision of the independent adjudicator.
 - 5.14.2 To lodge with the NLA an amount to be determined by the NLA to cover costs and disbursements incurred by the NLA. This amount will be returned to the appellant should the adjudicator not uphold the NLA decision.
- 5.15 The Code cannot and does not supersede the normal operation of the law. A complainant retains the right throughout the process to choose to go to law; in this event, the complaint would be halted, as the courts take precedence over the Code. Similarly, the Code of Practice cannot be used to re-open an issue on which the courts have already adjudicated.

Statutory Enforcement Options

Dangerous or dilapidated buildings or structures	Building Act 1984, Sections 77 and 78	To need the owner to make the property safe (Section 77) or to enable the Local Authority to take emergency action to make the property safe
	Housing Act 1985, Sections 189 and 190	To need the owner to make the property safe. Section 189 applies if the property is unfit for human habitation. Section 190 applies in other cases of serious disrepair.
Unsecured properties (if it poses the risk that it may be entered or suffer vandalism, arson or similar)	Building Act 1984, Section 78	To allow the Local Authority to fence off the property
	Local Government (Miscellaneous Provisions) Act 1982, Section 29	To need the owner to take steps to secure the property or to allow the Local Authority to board it up in an emergency
	Environmental Protection Act 1990, Section 80	
Vermin (If it is either present or there is a risk of attracting vermin that may detrimentally affect peoples health)	Public Health Act 1961, Section 34	To need the owner to remove waste so that vermin is not attracted to the site
	Prevention of Damage by Pests Act, Section 4	
	Public Health Act 1936, Section 83	
	Environmental Protection Act 1990, Section 80	
	Building Act 1984, Section 76	
Unightly land and property affecting the amenity of the area	Public Health Act 1961, Section 34	To need the owner to remove waste from the property
	Town and County Planning Act 1990, Section 215	To need the owner to address unsightly land or the external appearance of the property
	Building Act 1984, Section 79	To need the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair.
Long-term vacant property that is detrimental to the area	Housing Act 1985 Section 17	To grant the Local Authority the powers of Compulsory purchase
Long-term vacant property that does not meet the current housing standards	Housing Act 2004, Sections 11 & 12	To require the owner to carry out the necessary repairs to bring the property up to the current housing standards.

Properties that have been vacant in excess of 6 months where negotiation has been unsuccessful in returning the property to use.	Housing Act 2004, Part 4, Section 134	To grant the Local Authority the powers to take over the management of a property initially under an interim Empty Dwelling Management order then under a Final Empty Dwelling Management Order.
Properties on which the Local Authority have incurred costs, eg. for securing dwellings, or carrying out essential repairs.	Property Act 1925 Sections 101 & 103	Enables the Local Authority to require the sale of the property in order to recover any outstanding debts owed to the Authority including Council Tax Arrears

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Appendix G