



COMMUNITIES AND PLACE OVERVIEW AND SCRUTINY COMMITTEE

DATE: 4TH DECEMBER 2019

EMPTY HOMES IN NORTHUMBERLAND

Report of: Rick O'Farrell, Interim Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor John Riddle, Portfolio Holder for Planning, Housing & Resilience

Purpose of report

The report provides an overview for members regarding the issue of empty homes in the county and the measures the Council is undertaking to bring them into use and the challenges that this represents.

Recommendations

It is recommended that members note the content of the report.

Link to Corporate Plan

This report is relevant to the "We want you to feel Safe, Healthy and Cared for" [LIVING] " priority included in the NCC Corporate Plan 2018-2021 which states:

Having a decent roof over your head is fundamental to health and well being. None of you should be forced to live ... in a "home" that is a health hazard or physically impedes independence.

Key issues

1. As at the 5th November there are 1985 properties¹ across the county that have been vacant for over 6 months (excluding holiday lets and second homes). These properties fall into the following council tax bands (appendix 1):

○ Band A	1135
○ Band B	302
○ Band C	219
○ Band D	127
○ Band E	87
○ Band F	68
○ Band G	36
○ Band H	13

The following parishes have the highest number of empty properties:

○ Blyth	265
○ Ashington	253
○ Ponteland	96
○ Berwick upon Tweed	79
○ Cramlington	70
○ Morpeth	68
○ Hexham	66
○ Bedlington East	65
○ Seaton Valley	61

Empty properties in these 9 parishes equate to 51.54% of the total empty for over 6 months across the county.

2. Homes become empty for a variety of reasons. While many routinely become empty as a consequence of being sold and are then re-occupied, other homes remain empty for a wide range of other reasons.
3. Empty homes can easily fall into disrepair or attract vandalism. They have the potential to impact negatively on the local neighbourhood, but also on the wider housing market. Minimising the number of long-term empty homes across the county reduces unsightly properties whilst also helping to improve the local community.
4. It is important to use coordinated interventions to bring empty homes back into use. The Council has a wide range of formal and informal interventions available to help resolve the many varied problems associated with empty homes, and the careful assessment of the most appropriate course of action for each case is essential to ensure that homes are brought back into use effectively.

¹ Council tax data November19

Background

The Housing Strategy for Northumberland 2019 - 2022, adopted by Cabinet on the 6th August 2019, detailed the ambitions to achieve housing choice across Northumberland through the delivery of homes for existing and future communities and to support the Northumberland economy, alongside providing well-designed and affordable homes to meet the diverse needs of an ageing population.

The updated Housing Strategy supports the delivery of the Council's Corporate Priorities, and the delivery of the principle within the Northumberland Local Plan that having a decent home is fundamental to the health and wellbeing of everyone living in Northumberland.

The priorities identified within the updated strategy are;

1. Growing Our Communities
2. Supporting our Residents
3. Improving Homes and Communities

Priority 3 of the strategy, Improving Homes and Communities, determines that we will be **Making better use of existing housing stock - *We want to be efficient, open and work for everyone [How]***

Empty and derelict properties are a wasted resource that could be better used to relieve homelessness and address housing needs. Empty homes can also have a negative impact on their surrounding communities.

Consequences of long term empty properties can include attracting crime, thereby reducing the value of neighbouring properties, being an eyesore, costing time and money to local authorities and being costly for the owner to maintain. There are clear economic and social benefits in overcoming these problems by returning empty homes to occupation. To address these issues in Northumberland a number of initiatives are currently being delivered by the Private Sector Housing team with funding secured from Homes England using the following schemes:

- **Purchase and Repair Scheme** - Under this scheme properties that have been empty for more than six months are being purchased, repaired and managed by the Council.
- **Empty Dwelling Management Order (EDMO)** - Through the use of EDMO powers long term empty properties are being brought back into use. The Council then manage the property for a period of up to seven years

EDMOs are Orders that can be made by a First-tier Tribunal of the Property Chamber and give the council the right to take over the management of an empty residential property in certain circumstances with a view to bringing it back into use and occupation. There are clear rules and regulations about the type of properties the Council can and cannot use an EDMO on and it is only used as an option of last resort.

The EDMO process has proved to be extremely time consuming, on average taking 9 months to get the Final Order stage then additional time to complete works and allocate the property, taking on average 12 months to bring the property back into use.

The Housing Act 2004 introduced two types of management order in relation to empty dwellings;

- Interim EDMOs - The purpose of an interim EDMO is to enable a Local Housing Authority (LHA) to take steps to secure occupation of an empty dwelling with the consent of the owner.
- Final EDMOs - A final EDMO is made in succession to an interim EDMO (or a previous final EDMO) for the purpose of securing that a dwelling becomes and remains occupied, whether or not the owner of the dwelling consents.

An interim EDMO does not have to be followed by a final EDMO. However, a final EDMO can only be made following an interim EDMO or a previous final EDMO.

Under Section 134 of the Act a Residential Property Tribunal may authorise an LHA to make an interim EDMO in respect of a dwelling that is unoccupied (except where the relevant proprietor is a public body) if:

- it is satisfied that the dwelling has been wholly unoccupied **for at least 6 months** (or such longer period as may be prescribed);
- there is no reasonable prospect of it becoming occupied in the near future;
- that, if an interim EDMO is made, there is a reasonable prospect that it will become occupied;
- that the authority have complied with section 133(3) of the Act which states

Before determining whether to make an application to [the appropriate tribunal] for an authorisation under section 134, the authority must make reasonable efforts—

- (a) to notify the relevant proprietor that they are considering making an interim EDMO in respect of the dwelling under this section, and*
- (b) to ascertain what steps (if any) he is taking, or is intending to take, to secure that the dwelling is occupied ;*

- that any prescribed requirements have been complied with; and
- that it is not satisfied that the case falls within a prescribed exception (definition in appendix 2)

As part of our drive to meet housing demand, achieve sustainable communities across the county and secure lifetime homes we will work to ensure the best use of existing homes across all tenures in the County.

- When appropriate we will use statutory enforcement powers to enforce the legislation to improve housing standards and ensure the health, safety and welfare of all private sector tenants
- We will promote landlord self-regulation in the private rented sector through the Northumberland County Council Property Accreditation Scheme and the Landlord Forum

The **Private Sector Housing Strategy for Northumberland 2015-2020** outlines Northumberland County Council's plans to meet people's housing needs by maintaining and improving the existing private housing stock in the County, contributing to the delivery of the Council's Corporate priorities. A review of this strategy has begun, with an updated strategy to be produced during 2020 to reflect the updated priorities.

Opportunities

Providing advice and assistance to empty home owners

In the first instance, working informally with property owners is often the most effective method for bringing empty homes back into use. Contact with the owner or person responsible will identify the specific reasons that home is empty and then officers can consider the opportunities available to bring the property back into use

Property owners are encouraged to join the Council's Property Accreditation Scheme, with officers providing guidance on any repairs or improvements required to meet the appropriate standards for private renting.

In many cases, properties either become empty or remain empty as a result of the owner's inability to finance repairs or maintenance issues. This can range from relatively small funding gaps through to the need to finance major structural repairs. It is often the case that the failure to resolve a relatively minor problem at an early stage (for example a slipped roof tile) can result in its longer-term impact threatening the continued occupation, especially where the owner is not aware of the disrepair, or does not appreciate the importance of investing in repairs.

In some cases, properties remain empty due to the owner's failure to market the property for sale. This may be due to an unrealistic expectation of the current market value (especially where the property is in poor condition) or concerns regarding the fees and costs associated with selling the property.

The Council has a long-established rent deposit bond scheme which provides landlords with a guaranteed financial 'bond' in lieu of a cash deposit, which allows households, who are unable to fund a tenancy deposit, the opportunity of renting accommodation in the private rented sector. This scheme is of particular interest to landlords who are seeking to bring empty homes back into use.

Council Tax Discount Policy

At a meeting on the 6th November 2019 the Council approved an updated Council Tax Discount Policy that introduced the following:

- An increase in the current 50% Empty Homes Premium (EHP) to 100% for property unoccupied and substantially unfurnished for two years or more, but less than 5 years, with effect from 1 April 2020
- A 200% EHP for property unoccupied and substantially unfurnished for 5 years or more from 1 April 2020.
- A 300% EHP for property unoccupied and substantially unfurnished for over 10 years with effect from 1 April 2021.

This approach maximises the level of Council Tax income for those homes that are left empty whilst also helping encourage owners to return empty homes back into use.

Formal Intervention

In the first instance informal action is very often the most effective approach to bringing empty homes back into use. Where informal action is pursued, the Council aims to provide transparency regarding the consequences to the property owner in the event that actions are not completed. However, in some cases, informal action is either ineffective or inappropriate, and the Council has wide ranging powers to instigate enforcement action to secure improvements to empty homes.

Enforcement action can range from serving notices requiring repairs to be carried out, (e.g. repairing a gutter that is leaking onto a neighbouring property) through to the Council considering the use of compulsory purchase powers. Action can be taken using both housing and planning powers as set out in the Council's Scheme of Delegation.

Instigating Enforcement Action

Where the Council takes enforcement action it will be proportionate to the individual circumstances of the case, and will contribute to the overall aim of either returning the property back into use, or reducing the negative impact that the property poses to the locality.

Action will be instigated that is timely, and will assess the impact of individual empty homes on neighbouring homes, and the wider neighbourhood.

Where an empty home causes a severe negative impact within the neighbourhood, and where informal action is not completed by the property owner, formal enforcement action will be prioritised (appendix 3) This will maximise the effectiveness of the Council's interventions, and reduce the negative impact that the empty home places on its neighbourhood. Enforcement action may not be appropriate where the negative impact of the empty home is not considered to be severe

All reasonable costs incurred in taking the enforcement action will be recovered which may result in a legal charge being placed on the property to recover costs and interest accrued since the action was taken. In cases where debts have accrued following enforcement action, the Council may seek to enforce the sale of the property to settle those debts.

Implications

Policy	Supports the delivery of the Corporate Plan and the priorities within the Housing Strategy for Northumberland 2019-2022
Finance and value for money	There are no direct financial implications arising from this report. Reducing the number of empty homes has a positive impact on the budget. There is capital funding allocated in the Council's 2019-20 and 2021-20 budget for Empty Homes Repair and Lease (General Fund) of £0.500 million and Empty Homes Purchase and Repair (Housing Revenue Account) of £0.075 million with a significant amount of this supported by grant funding from Homes England.
Legal	The EDMO process is completed in line with requirements of the Housing Act 2004.
Procurement	none
Human Resources	none
Property	Properties brought back into use through Lease & Repair are managed by the Housing Management Team through a management arrangement. Those acquired through Purchase and Repair are added to the council-owned stock sitting within the Housing Revenue Account, increasing the Council's portfolio of available housing.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Ensures fair access to housing
Risk Assessment	none
Crime & Disorder	none
Customer Consideration	By bringing properties back into use we are improving local communities for residents of Northumberland whilst increasing

	the amount of available homes, making best use of existing stock.
Carbon reduction	none
Health & Wellbeing	Improving communities will have a positive impact upon the health & wellbeing of residents.
Wards	All

Background papers:

none

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

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Appendix 1

Empty Properties Over 6 months by Council Tax Band & Parish

Admin Unit Code	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total Properties
Acklington	1		1			1			3
Acomb	2	2					1		5
Adderstone with Lucker	2	1	3	1	2			1	10
Akeld	1	1	1						3
Allendale	7	5	3	1	1	1	1		19
Alnmouth			1	2	1				4
Alnwick	23	6	8	4	1	1			43
Alwinton		1							1
Amble	24	10		1					35
Ancroft	2	2	1						5
Ashington	223	19	4	3	1	2		1	253
Bamburgh	1		1	1	1		1		5
Bardon Mill		1		1	1				3
Beadnell	1	2	3			1			7
Bedlington East	58	4		2	1				65
Bedlington West	27	4	3			1	1		36
Belford with Middleton	3	5	3			1			12
Bellingham	5	4	1	1					11
Belsay	1		2						3
Berwick upon Tweed	51	9	14	4		1			79
Berwick			1						1
Biddlestone & Netherton		1		1		1			3
Birtley	1		1						2
Branchland		1							1
Blyth	229	20	9	5	1	1			265
Bowsden			1						1
Brinkburn & Hesleyhurst				1					1

Broomhaugh & Riding		3	1	3	1			8
Broomley & Stocksfield		3	1		3		1	8
Bywell	1				1			2
Capheaton			1	1				2
Carham	1	1	1					3
Cartington			1					1
Cheviotside	1		3			1		5
Chollerton	2	1			2			5
Choppington	40	6	1					47
Coanwood					1			1
Corbridge	11	4	5		5		2	27
Cornhill	1					1		2
Corsenside	1	1	1				1	4
Cramlington	56	7	3	1	1	1	1	70
Craster			1		1			2
Cresswell			1	1				
Denwick	3	1	1			1		6
Doddington	9	5				2		16
Duddo	1			1				2
Easington	2	3		1	1	1		8
East Chevington	7	6	3					16
Eglington	1			1				2
Ellingham	1	1		1			1	4
Ellington & Linton	11	3		1				15
Elsdon		1						1
Embleton	3		2		2	1		8
Falstone	2							2
Featherstone			1					1
Felton	1	1		1				3
Ford	4	3			1		1	9
Glanton	2	1						3
Greenhead	4	2			1			7
Greystead & Tarsset	4			1				5
Haltwhistle	23	1	2		1			27
Harbottle				1		1		2
Hartleyburn		1	1					2
Hauxley			1	1				2

Haydon Bridge	14	6	4		2				26
Healey				1					1
Hebron		1			1			1	3
Heddon on the Wall	1	2	2	1	1	1			8
Hedgeley		4	5	2	1			1	13
Hedley		1							1
Henshaw	1	5	3						9
Hepple	2								2
Hepscott	1		1			4			6
Hexham	18	18	17	6	3	1	3		66
Hexhamshire			2						2
Hollinghill & Rothley	1			1			1		3
Holy Island		3	1						4
Horncliffe	1		1						2
Horsley					1				1
Humshaugh	1	1			2	2	1		7
Kielder	2								2
Kilham	4	1							5
Kirkhaugh & Knarsdale		1	1	1					3
Kirknewton		1							1
Kirkwhelpington	1					1			2
Kyloe	1			1		1			3
Lesbury			1			2	1		4
Longframlington	2	1			1	1			5
Longhirst			2	3	3	1		1	10
Longhorsley		1	2	2					5
Longhoughton	2	1	2	1	3	1	1		11
Lowick	3	1							4
Lynemouth	19								19
Matfen		1		1	1	1			4
Meldon		1			2				3
Milfield				1					1
Mitford				1		1			2
Morpeth	17	18	16	9	2	2	4		68
Netherwitton		1							1
Newbiggin	35	2	1		1				39
Newbrough		1			1			1	3

Newton by the Sea		2							2
Newton on the Moor		1	2	1					4
Norham	8	2	1	1	1				13
North Sunderland	3	4	5	4		1			17
Nunnykirk	1								1
Ord			2		1				3
Otterburn	5	1	1						7
Ovingham				1	1				2
Ovington		1							1
Pegswood	14		1	1					16
Plenmeller & Whitfield	3	1	1		1				6
Ponteland	18	15	5	21	9	15	8	5	96
Prudhoe	14	8	6	2	1	1			32
Rennington		2			1				3
Rothbury	7	3		3	1		1		15
Sandhoe	1		1		2				4
Seaton Valley	46	3	10	1			1		61
Shilbottle	3	5							8
Shotley Low Quarter	1			1					2
Simonburn				1					1
Slaley							1		1
Snitter	1	1					1		3
Stamfordham	3	1	1	2					7
Stannington		6	14	2	2	2			26
Thirlwall	2								2
Thirston			1	2	2	2			7
Thropton	1		3	1	1	4			10
Tillside	3	4		1				1	9
Togston	5								5
Ulgham						1			1
Wall		3	1		1				5
Wallington Demesne	2	2	2	2					8
Warden	3	1		1			1		6
Warkworth	4	1	2	1	1	2			11
West Allen				1	1				2
Whalton		2			1				3

Whittingham, Callaly & Alnham	1	1	1	1			1		5
Whittington Widdrington Station			1		2		1		4
Wooler	4	1	3	1					9
Wylam	1	2	1	1	1	1			7
Total	1135	302	219	127	87	68	36	13	1985

Prescribed exceptions

For the purposes of section 134(1)(b) of the Act a dwelling falls within a prescribed exception if;

(a) it has been occupied solely or principally by the relevant proprietor(b) and is wholly unoccupied because—

(i) he is temporarily resident elsewhere;

(ii) he is absent from the dwelling for the purpose of receiving personal care by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder;

(iii) he is absent from the dwelling for the purpose of providing, or better providing, personal care for a person who requires such care by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder;

(iv) he is a serving member of the armed forces and he is absent from the dwelling as a result of such service;

(b) it is used as a holiday home (whether or not it is let as such on a commercial basis) or is otherwise occupied by the relevant proprietor or his guests on a temporary basis from time to time;

(c) it is genuinely on the market for sale or letting;

(d) it is comprised in an agricultural holding within the meaning of the Agricultural Holdings Act 1986(a) or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995(b);

(e) it is usually occupied by an employee of the relevant proprietor in connection with the performance of his duties under the terms of his contract of employment;

(f) it is available for occupation by a minister of religion as a residence from which to perform the duties of his office;

(g) it is subject to a court order freezing the property of the relevant proprietor;

(h) it is prevented from being occupied as a result of a criminal investigation or criminal proceedings;

(i) it is mortgaged, where the mortgagee, in right of the mortgage, has entered into and is in possession of the dwelling; or

(j) the person who was the relevant proprietor of it has died and six months has not elapsed since the grant of representation was obtained in respect of such person.

Powers to Respond to Problematic Properties				
Service	Powers	Enables	Implemented by	Conditions to action / Benefits
Planning	s215 Town & Country Planning Act	Power to require proper maintenance of land	notice takes effect after 28 days	previous written warnings must be issued
Various	s. 43 Anti-social Behaviour, Crime and Policing Act 2014	Community Protection Notice & supplemental enforcement powers	Pre notice warning letter (CPW) then notice	
Various	s. 1 Anti-social Behaviour, Crime and Policing Act 2014	ASB injunctions	court action	
Public Protection	s.79 & 80 Environmental Protection Act 1990	Abatement Notices for statutory nuisance	Notice	
Public Protection	s.79 Building Act 1984	ruinous & dilapidated buildings	notice	charges are recoverable before any other charges including mortgage provider, so preferable option to s215 powers (s107)
Public Protection	s. 29 Local Government (Miscellaneous Provisions) Act 1982	securing unoccupied buildings	notice or immediate action if dangerous	
Public Protection	s.4 Prevention of Damage by Pests Act 1949	infestations of rats or mice	notice	
Public Protection	s.79 Public Health Act 1936	Accumulations of waste	notice	powers to urban districts & how this is defined needs to be considered
Public Protection	s.83 Public Health Act	Filthy or verminous	notice	

	1936	premises		
Public Protection	Part 4, Chapter 3 Anti-social Behaviour, Crime and Policing Act 2014	Closure Notices and Orders	notice	
Housing	s.133 and schedule 7 of the Housing Act 2004	Empty Dwelling Management Order	Property Tribunal	Exemptions apply, property has to be 2 years +empty and can demonstrate a nuisance. Can take up to a year to implement.
Public Protection	s76 Building Act 1984	Defective Premises	notice	
Building Control	s77 Building Act 1984	Dangerous Buildings	court action	
Building Control	s78 Building Act 1984	Dangerous Buildings and Emergency Measures	notice	
Public Protection	Housing Act 2004 part 1	Housing Standards (HHSRS)	notice	Emergency Prohibition Orders & Prohibition Orders (prohibition on occupation/letting of a property not in suitable condition); Improvement Notices; Hazard Awareness Notices