

SUBJECT:	Empty Homes Update
MEETING:	Adult Select Committee
DATE:	23rd January 2018
DIVISION/WARDS AFFECTED:	All

1.0 PURPOSE

- 1.1 The purpose of the report is to update members on the current position of empty properties in Monmouthshire and the approach being adopted to tackling this issue historically and for the future. Please refer to **Appendix 1**

2. RECOMMENDATIONS

- 2.1 Consider the extent and impact of Empty Homes on Monmouthshire and local communities and the current approach being taken to reduce Empty Homes.

3. KEY ISSUES

- 3.1 Tackling empty properties is an area of social policy prioritised by Welsh Government for a number of reasons, including:
- They could be a source of accommodation for people in housing need providing they are situated in the right areas and at the right price, either to buy or rent.
 - Also they are a source of accommodation that could alleviate issues of homelessness, another policy area prioritised by WG.
 - They can have a detrimental effect on the community in which they are situated if they have been left to deteriorate, for example, vandalism and vermin infestation.
 - Owners, as potential landlords can be regarded as small businesses and, if in receipt of a rental income, could be contributing to the local economy.
- 3.2 Although prioritised by the Welsh Government, the issue and problems associated with empty properties can vary from one local authority area to another. This is also true of the work undertaken by various local authorities in the work they undertake to bring their long term empties back in to use.
- 3.3 Work was undertaken by both Environmental Health and Housing on the condition of Monmouthshire's empty properties during 2013 – 15 and March 2017 through a programme of inspections. The conclusion of that work found that the issues associated with long term empty properties does not exist in any meaningful way in which their return would contribute to points highlighted in 3.1 above. The properties inspected were, particularly, not to be in a poor physical condition.
- 3.4 Informed by the Environmental Health condition inspections, the key conclusions are:
- 3.4.1 Monmouthshire does not have an empty property issue in the traditional sense as typified by headline news of rows of empty and dilapidated houses causing environmental issues.
- 3.4.2 A typical empty property found in Monmouthshire can be characterised as being:
- Owned by family members; refurbished for the owner to occupy; sound condition and having no negative impact on its immediate environment; often don't lend themselves for affordable housing for various reasons such as often being in rural areas or to be too large and would command a high rent value putting it far outside the parameters of what constitutes affordable housing.

4. OPTIONS APPRAISAL:

4.1 Option 1: Cease tackling empty homes. This option would be contradictory to the expectations of Welsh Government, particularly as the Council needs to report on Empty Homes through a National Performance Indicator.

Option 2: To increase the level of resource and/or staffing and nature of the work undertaken.

Option 3: To continue with the nature and scope of the work currently being undertaken by Housing & Communities

4.2 It is recommended to adopt option 3 as currently this offers a measured approach that is proportionate with the issue of empty properties in Monmouthshire.

5. EVALUATION CRITERIA:

5.1 A further review will be conducted in 12 months to evaluate the impact of empty properties continues to have within Monmouthshire and will feed into an update report to Select in January 2019. The review and update will inform the scope of the work Housing will carry out during 2019 – 20. To aid future reviews an evaluation assessment is attached (**Appendix 2**).

6. REASONS:

6.1 The Welsh Government has a long term objective to reduce the number of property throughout Wales.

7. RESOURCE IMPLICATIONS:

7.1. None

8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

8.1 The significant equality impacts identified in the assessment are summarised below for members' consideration (Appendix 3):

- Properties that are brought back in to use will contribute to the overall availability of housing within Monmouthshire.
- Properties that are brought back in to use can contribute to the people, economy and the environment.

8.2 The actual impacts from this report's recommendations will be reviewed every year and the criteria for monitoring and review will include:

- The level of work undertaken and the number of properties being brought back into use

8.3 No negative implications have been identified in respect of this report. The Equalities Impact and Sustainable development assessments are attached (**Appendix 3**).

8.4 The policy supports the Council's Safeguarding policy. There are no implications identified (**Appendix 3**).

9. CONSULTEES:

10. **BACKGROUND PAPERS:** None

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EMPTY HOMES UPDATE

1. Introduction:

- 1.1 This paper sets out the current issues of empty properties in Monmouthshire and recommends the level of priority that should be given to return properties back into use.

2. Definition of an Empty Property:

- 2.1 An empty property is one which is liable for council tax and which has been empty for over 6 months.

3. Background:

- 3.1 Bringing back in to use empty properties is a high priority of the Welsh Government because of the detrimental affect they have both socially and environmentally. This is particularly true when the issue of a shortage of affordable homes is raised and correlated to the number of empty properties available. Returning empty properties back into use is seen as one option in which to address a shortage of affordable housing.
- 3.2 This is particularly so in those local authority areas which are more urban than rural and have large towns and cities. Here, you are likely to find your more typical characteristic of an empty property of rows of empty properties in a poor state and having a detrimental impact on the street scene. These types of properties are also more likely to lend themselves suitable for affordable family homes.
- 3.3 Returning properties into use can be a resource intensive activity which requires officer participation from a number of departments within local authorities, such as:
- Revenue: for addresses of the empty properties and contact details of owners – Properties are verified as empty for council tax records.
 - Environmental Health: Property inspection are undertaken to determine whether the property is having a detrimental impact on its surroundings, for example, whether the property affects other properties or the health of other people, the condition of the garden, whether the property is verminous, whether the property has council tax debt. Properties are scored on a matrix, the higher the score the more serious the risk and consequently the level of enforcement required to address the risk, this includes
 - Enforced Sales - where a property is sold if the owner refuses to pay the local land charges registered against it.

- Empty Dwelling Management Orders - through which the Council takes over the management of the property for a period of up to seven years.
- Compulsory Purchase Orders - where the Council can evidence a case to purchase the property outright using legislation and then pass the property on to an RSL, or sell for owner occupation.
- Statutory Notices - where owners fail to maintain their properties to a minimum legal standard
- County Court action to recover outstanding debts.
- Legal: will be responsible for the legal work required to prosecute those owners who do not comply with enforcement orders or drafting Compulsory Purchase Orders (CPO's) or Empty Dwelling Management Orders (EDMO's).
- Housing: Developing and overseeing the administrative procedures of initial and follow up contact with empty property owners offering advice and assistance, for example:
 - To inform the owner that they have a responsibility to inspect and maintain the property;
 - Informing the owner of the lost potential of generating an income from the property
 - Advice on renovation loans
 - Advice on future use of the property, such as landlord information and Monmouthshire Lettings Service (MLS).
 - Voluntary acquisitions - where the owner is introduced to a prospective buyer, usually a Registered Social Landlord.

3.4 Many local authorities that have a high proactive approach to returning empty properties back into use do so because of extremely large numbers empty properties in their area and consequently employ a specialist Empty Property Officers.

3.5 However, the reality for many local authorities, especially in Wales is that empty property work forms only one aspect of an officer's remit and therefore is one of many priorities officers have to juggle. How much of a priority empty properties is given will depend upon the nature of the problem within a local context and the likely net result.

4. Council Tax Records:

4.1 When a property first becomes empty an owner will declare this to Council Tax in order to claim an exemption on their council tax liability. Empty properties in the exemptions classes at 4.2 below, are used to determine the total number of empty properties which will form the baseline data for contacting owners and for Welsh Government monitoring returns (the denominator).

4.2 Exemptions

Exemption Class	Definition
A	Unoccupied and unfurnished property undergoing repairs /renovation.
C	Unoccupied and unfurnished property
F	Unoccupied property which is awaiting probate.
G	Unoccupied property which is unoccupied because occupation is prohibited by law.
L	Unoccupied property where a mortgagee is in possession
Q	Unoccupied property where the person who would normally pay the Council Tax is a bankrupt or insolvent trustee.

5. Extent of Empty Properties in Monmouthshire 2012 - 2015

- 5.1 A research project was conducted by Environmental Health over a 3 year period 2012 - 2015 on empty properties in Monmouthshire. The project's remit was to inspect properties and to feed their findings into a property condition matrix that would rank them on their overall risk factor as either being low, medium or high. The inspections were carried out over three phases with a report drafted following phases one and two. No report was drafted for phase three.
- 5.2 Factors that were taken into consideration when assessing risk including the length of time the property has been vacant; whether the property affects other properties or the health of other people; the condition of the garden; whether the property is verminous and whether the property has council tax debt etc.
- 5.3 A property with a low risk score would require no action to be taken, while a property that was considered high to very high risk could have some form of enforcement action taken against the owner to remedy the risk.
- 5.4 Council tax records as at the 1st April 2012 were used to identify empty properties with those empty for the longest period chosen to inspect first (1000+ days). These were targeted for inspection with the presumption that these properties would probably be in the worst condition as they have been empty the longest. This assumption may be incorrect but in the absence of any previous proactive inspections of empty properties, resulting in little knowledge of our empty stock in Monmouthshire, this was deemed to be a starting point.
- 5.5 A summary of the findings is set out below, a more detailed account can be found in appendix i

- Phase 1: 104 properties were inspected based on the ones which have been empty the longest (1000+ days). Of the 104,
 - 20 were back in use. Of the remaining 84 properties,
 - 6 were low risk,
 - 75 were medium,
 - 1 was high and
 - 2 were very high (as per the scoring matrix).
 - None were found to be in Council Tax debt.
 - 8 of the highest scoring properties would be re-inspected in phase 2 and the options available would be low level enforcement (as per the enforcement table in the report) but all properties were found to be remote and not impacting on residential areas.
- Phase 2: A further 34 properties were inspected based on the next tranche that had been empty the longest. Of the 34
 - 12 were found to be back in use. Of the remaining 22,
 - 16 were found to be low risk (with a score under 5 of a possible 41) and
 - 6 to be medium risk (score of 5-15).
 - Only 2 of the low scoring properties were found to have Council Tax debt.
 - 6 out of the 8 properties from phase 1 were re-inspected with the same score as they had in phase 1. Five of them were considered as being suitable to attract low level enforcement options (see paragraph 7 on enforcement options) but because of their location (remoteness) they were not impacting on any residential areas so no further action was deemed the appropriate response.
 - One property had potential for the Environmental Health department to look into further but as of yet no action has been taken.
- Phase 3: For phase 3 the approach changed due to not finding any real issues with the properties empty the longest. Properties were identified based on their location with town centre properties being thought as a suitable target as these might be more suitable for affordable accommodation.
 - 23 properties were inspected in total, 19 properties in Chepstow and 4 in Monmouth. Of the 23 inspected:
 - 18 were found to be reoccupied or under renovation,
 - 2 could not be accessed and of the rest
 - 3 were low scoring so there was no action to be taken.

5.6 Although the project and its findings are historical there is a belief that similar outcomes would be found if the project was undertaken more recently. This belief is based around a

lack of evidence coming forward through complaints of empty properties and through a snapshot exercise of the current data base conducted in March 2017.

6. Snapshot of Empty Properties in Monmouthshire March 2017:

6.1 Council tax records showed that as at the 31st March 2017, 832 properties were classed as empty.

6.2 For our purposes only Class C properties (An unoccupied dwelling substantially unfurnished) were considered and from this group a further number of properties were also removed such as:

- i. Social housing (not required by WG)
- ii. Private retirement homes (usually difficult to sell on due to covenants, etc).
- iii. Properties where the owners contact address is not known.

6.3 This created a list of 462 properties which was further broken down by area (postal code). To this an analysis based on officer experience separated out the urban based properties from the rural ones. For this exercise postal codes NP15 (Usk), NP18 and NP4 were considered rural. This separation is based on the premise that the type of properties that would lend themselves more appropriate for affordable housing would be found in the urban areas. Also, if their physical condition was poor then it would have a greater impact on the surroundings. Figures 1 and 2 show the rural / urban spit by post code and county wide. Figure 3 represents a pictorial view of the extent of empty properties in Monmouthshire.

Figure 1

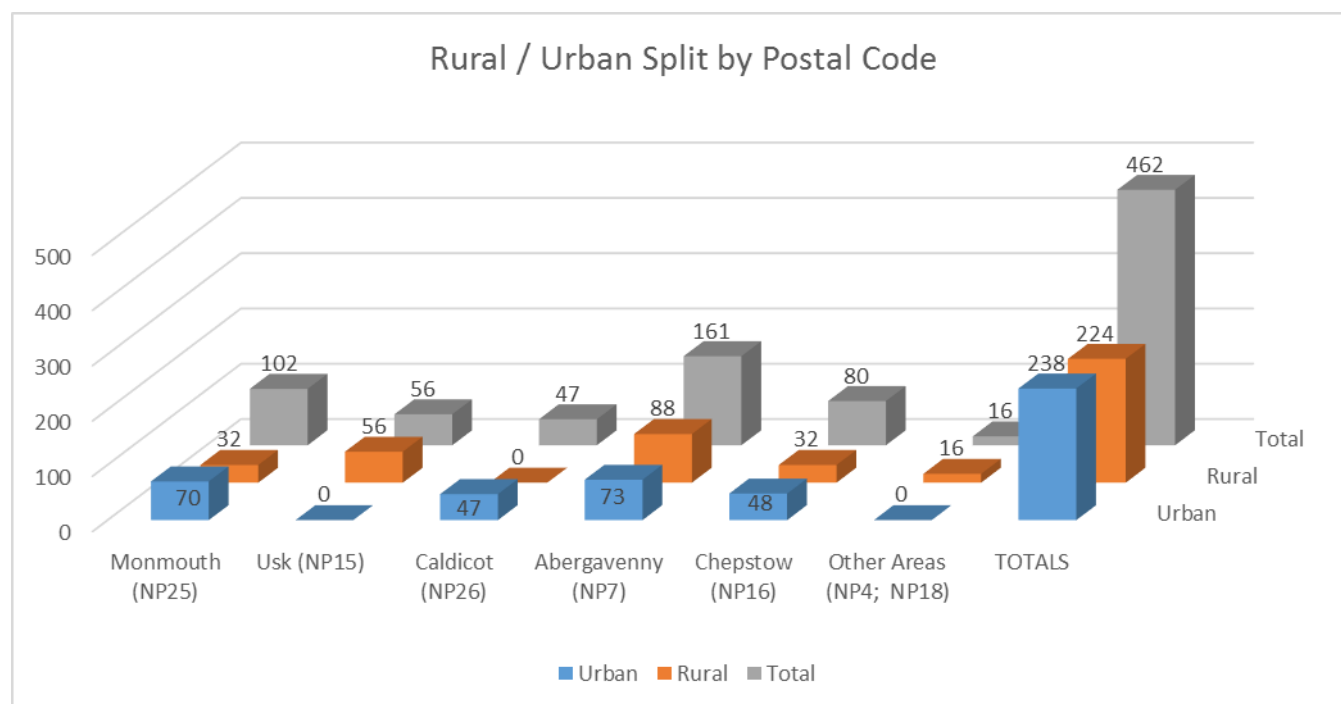


Figure 2

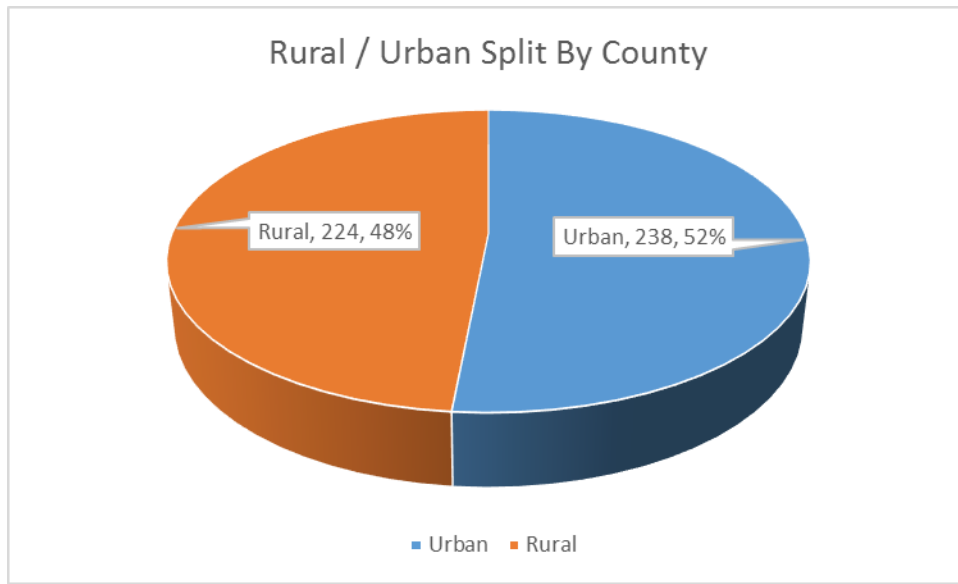
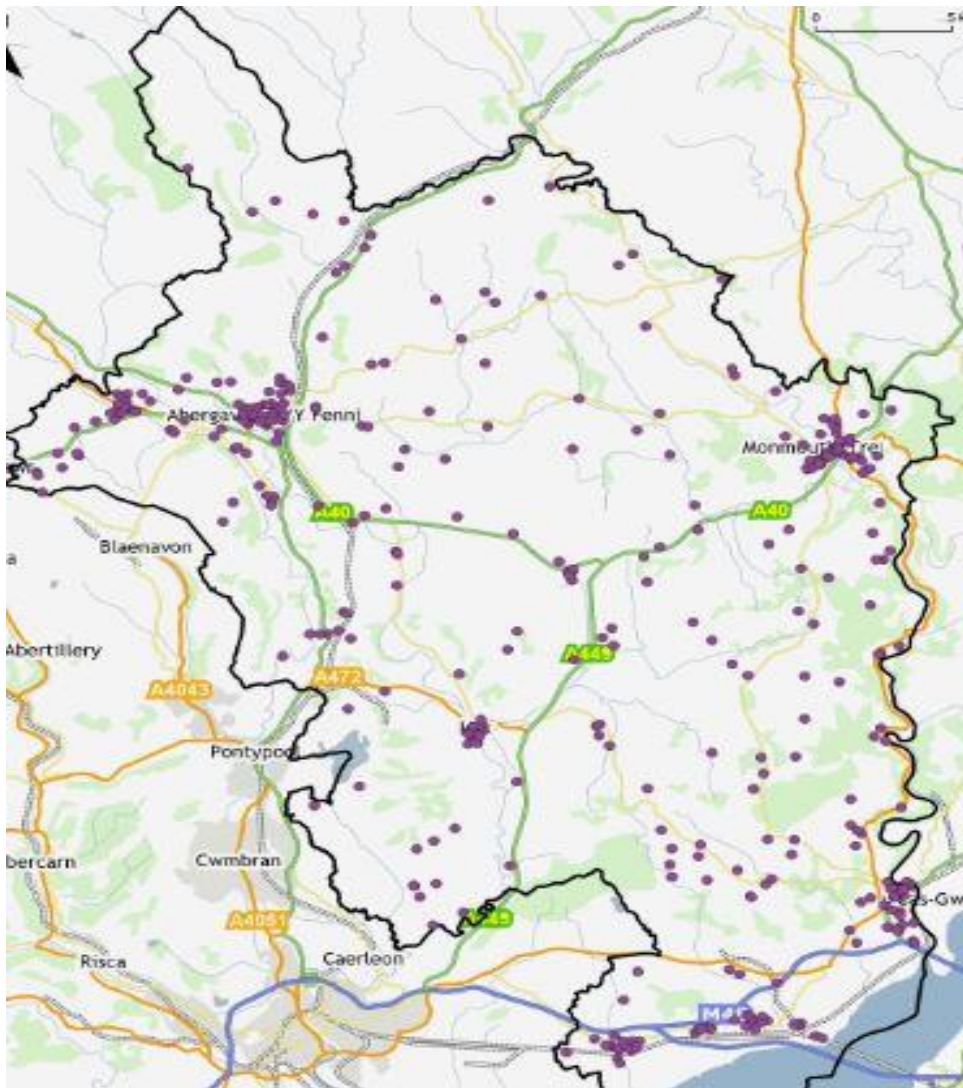
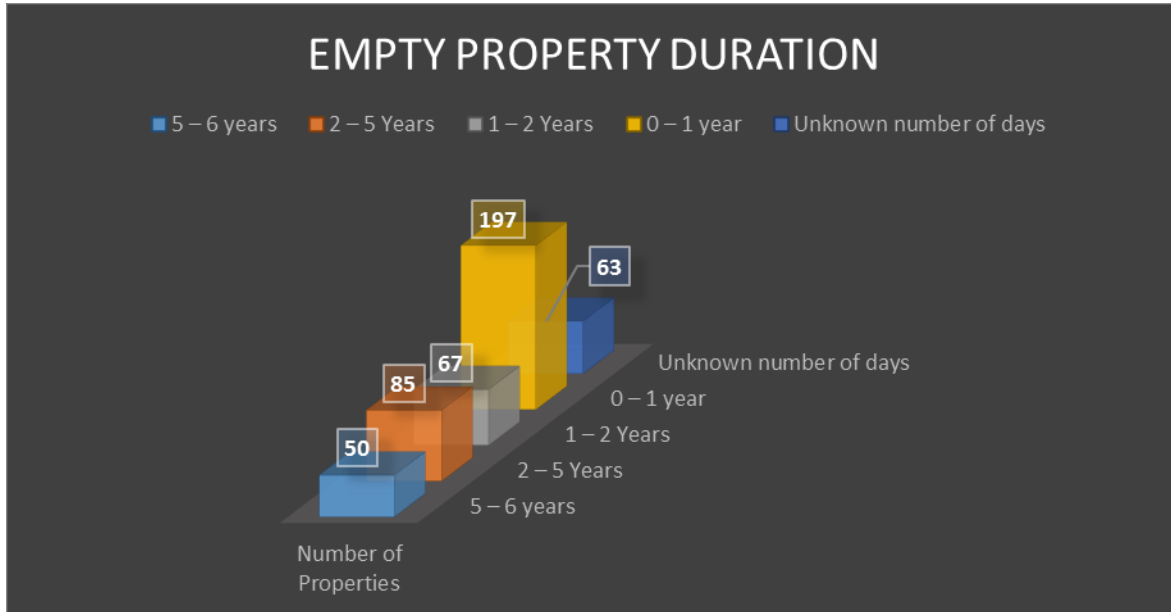


Figure 3



6.4 Figure 4 below, categorises the number of empty properties into the length of time they have been empty.

Figure 4



6.5

- 34.84% of all empty properties can be found in the Abergavenny area.
- The average number of days of a property is empty is 616
- The median length is 414 days.

6.6 A desk top exercise (Google Street View) coupled with property visits was undertaken on a selected number of empty properties using Council Tax records as at the end of March 2017. The reasons for the exercise was to determine roughly where the properties were located; whether they lent themselves suitable for affordable accommodation and their physical condition.

6.7 The exercise highlighted the following:

- A high proportion of properties visited were no longer empty.
- Almost all of them were in a good state of repair with those that weren't only required minimal work (some of which were already in the process of being refurbished).

6.8 Anecdotal information received from those owners who have contacted Housing in response to a mail drops that are conducted twice a year, suggest that owners are more of the accidental variety, ie, they have inherited the property or have bought the property to refurbish and move in themselves. There seems little evidence to suggest that empty property owners are speculative and accessing the "buy to leave" market whereby they acquire properties with the intention of keeping them unoccupied, to realise increase in capital values.

7. Dealing with the problem of empty properties:

7.1 The Council has a number of remedies available to it in which to deal with empty properties. These can range from the softer approach of persuasion letters; the practical assistance of advice information and the availability of loans (see paragraph 7.4.1) to the more punitive measures that can be found in legislative acts, below.

- i. Section 215 Town and Country Planning Act 1990
- ii. Building Act 1984, Sections 77 and 78
- iii. Housing Act 2004, Section 5 and 7
- iv. Local Government (Miscellaneous Provisions) Act 1982, Section 29
- v. Local Government (Miscellaneous Provisions) Act 1976, Section 35
- vi. Building Act 1984, Section 59
- vii. Public Health Act 1961, Section 17
- viii. Public Health Act 1961, Section 34
- ix. Prevention of Damage by Pests Act 1949, Section 1
- x. Environmental Protection Act 1990, Section 80
- xi. Building Act 1984, Section 76
- xii. Public Health Act 1961, Section 34
- xiii. Town and Country Planning Act 1990, Section 215
- xiv. Environmental Protection Act 1990 section 80

8. Monmouthshire's Approach to dealing with its empty properties:

8.1 Monmouthshire County Council use council data from which to contact property owners. A three stage procedure has been developed whereby owners are contacted on a regular basis through initial and follow up letters that advise them of the Council's wishes to see empty properties brought back into use and to raise awareness about the options available to them to tackling empty properties in Monmouthshire. The procedure promotes the 'softly softly' approach especially through the initial contact letter and the follow up letter (stages 1 and 2). Stage 3 however is more punitive in nature as it refers to the involvement of Environmental Health and the powers of enforcement available to them through the acts described in paragraph 5 above.

8.2 However as a result of the exercise carried out during 2012 – 15, stage 3 of the process, that is, the threat and use of enforcement has not been used to date. The snapshot exercise carried out during March this year suggests that the use of stage 3 will unlikely be used in the foreseeable future.

8.3 Other remedies promoted by the Council are the interest free empty property loans through the Houses to Homes Scheme (H2H) and the services of the recently developed Monmouthshire Lettings Service.

8.3.1 Houses to Homes (H2H) Loan Scheme.

The Welsh Government introduced the Houses into Homes scheme in 2012 to assist owners bring their vacant properties back into use. An interest free loan of up to £25k per property (up to a maximum £150K per applicant) can be borrowed over 2 or 3 years to help owners refurbish their properties.

8.3.2 Monmouthshire Lettings Service (MLS) – to be introduced May 2017

The lettings service will be similar in design to a high street lettings agency. The services provided will include legal advice, 'find a tenant' and tenant verification, inventories, sign ups, inspections, rent collection, tenancy agreement drafting and housing support. This will be offered initially as a free service to encourage landlords (and empty property owners to become landlords) to use the service.

9. **Empty property performance to date:**

9.1 There has been a steady increase over the years in the number of properties being brought back into use. Table 3 below shows the increase from April 2014 to end of March 2017.

Table 3

	2014 - 15	2015 - 16	2016 - 17
Numerator	64	94	??
Denominator	623	663	??
% brought back into use	10.27	14.18	

9.2 We have made loans worth a total of £230,000 through the H2H scheme to the following projects:

- A conversion project of a commercial building in Abergavenny to 5 x 2 bed flats. The loan amount was £125k with the total cost of the project being around £300k.
- A renovation project of a 4 bed house in Clydach.
- A conversion project of 2 Flats in Chepstow.
- A renovation project of a 3 bed semi in Chepstow
- A renovation of a detached house In Abergavenny

10. **Empty Property Performance Indicator (brought into effect from the 1st April 2017):**

10.1 This is based the number of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action

by the local authority (numerator A), plus the number of additional units of accommodation created (the numerator B) .

10.2 This is represented as a percentage and is calculated by using the total number of properties identified as empty in classes A,C,F,G,L,Q (the denominator) through council tax records but excludes certain categories of properties, for example, social housing properties.

10.3 The proposed introduction of the new PI is likely to lead to a significant increase in the denominator due to the extended number of classes than previous years when class c only was used as the denominator. Consequently the percentage number of empty properties returned into use will fall.

11. Conclusion:

11.1 What can be concluded from the exercise is that Monmouthshire does not have an empty property issue in the traditional sense as typified by headline news of rows of empty and dilapidated houses causing environmental issues as can be found within other local authority areas throughout Wales, especially those that have large towns. A typical empty property found in Monmouthshire can be characterised as

- Being owned by family members;
- Being refurbished for the owner to occupy;
- Being in sound condition and having no negative impact on its immediate environment;
- A property that did not lend itself for affordable housing for various reasons such as
 - It is likely to be in remote areas. or
 - It is likely to be too large and would command a high rent value putting it far outside the parameters of what constitutes affordable housing.

11.2 For those small number of properties in poor condition, these could be could be characterized as:

- A property having a slight impact on its immediate environment;
- A property that has limited enforcement remedies available;

11.3 For Monmouthshire the use of statutory enforcement powers are of little use in an empty property market where there are no serious issues of neglect and deprivation, coupled to this is the location as a result the Council has had limited success in its ability to return homes back into use.

12 Recommendations:

- 12.1 The Council will continue to contact all empty property owners on a regular basis to offer advice and assistance and to promote the services we can offer owners to assist them return their properties back into use.
- 12.1 In particular the Council will target those empty properties that have been empty for longer than two years and are situated within urban areas.
- 12.2 The Council will continue respond to complaints in a timely manner and investigate them on a case by case basis.

Environmental Health Empty Homes Project

Summary;

Three phases of inspections. Report 1 following phase 1 and Report 2 following phase 2. There was not a report done for phase 3 inspections.

Project started in 2012.

- Phase 1: 104 empty properties based on the ones which have been empty the longest. Of the 104, 20 were back in use. Of the remaining 84 properties, 6 were low risk, 75 were medium, 1 was high and 2 were very high (as per the scoring matrix). None were found to be in Council Tax debt. We said we would re-inspect the 8 highest scoring properties and the options available would be low level enforcement (as per the enforcement table in the report) but all properties were found to be remote and not impacting on residential areas.
- Phase 2: consisted of a re-inspection of the 8 high scoring properties from phase 1. During Phase 2, 6 out of the 8 properties were re-inspected including the 3 with the higher scores. After re-inspection of these 6 the scores remained the same. 1 property had potential for the Environmental Health department to look into further and that is the property in Caerwent.

A further 34 empty properties were inspected based on the next tranche that had been empty the longest. 12 were found to be back in use. Of the remaining 22, 16 were found to be low risk (with a score under 5 of a possible 41) and 6 to be medium risk (score of 5-15). Only 2 of the low scoring properties were found to have Council Tax debt.

- Phase 3: The approach changed due to not finding any real issues with the properties empty the longest so we inspected 19 properties in Chepstow and 4 in Monmouth with the idea that we would tackle town based empties. Of the 23 inspected, 18 were found to be reoccupied or under renovation, 2 we couldn't access and the rest were low scoring so there was no action to be taken.

Conclusion –

- Having inspected 161 properties 50 were no longer empty. Of the remaining 111 an external survey was carried out between 2012 and 2015 using a scoring matrix designed to highlight any properties which are significantly impacting on their local community.
- The vast majority of those surveyed were not found to be having a significant impact, many of which being in remote locations.
- Several properties were considered to be posing concern from a public health perspective and we are / will be looking at these on a case to case basis using the enforcement powers available to us.
- In view of the methodology of our investigation in appraising the empty properties most likely to be of highest concern (ie those that had been empty the longest, in town centre locations) and our findings, we do not feel there is merit in prioritising this area of work from a public health perspective at this time.
- We will continue to respond to any complaints regarding empty properties on a case by case basis.

Environmental Health Empty Homes Project

November 2012

Report No. 1

Background

There are 645 empty properties as of April 2012 that have been identified within Monmouthshire by the Housing Strategy department. These are split up into the following categories;

Houses – 462

RSL's and Sheltered Housing for the Elderly – 124

Flats – 51

Farms and Caravans - 8

Empty properties are a waste and they can cause nuisance and environmental problems. They can be the focus for increased levels of crime, including drug abuse and vandalism, and represent a significant loss of revenue for the Council. Empty properties are a growing concern for the public, especially in light of increasing media attention. As a result the Council has been receiving an increasing number of service requests regarding empty properties. In properly dealing with empty properties the Council can possibly help address Monmouthshire's housing needs by providing accommodation for owner occupation or renting.

Empty homes, as well as their detrimental impact on neighbourhoods and adjacent properties, represent a major financial loss to owners, both in terms of lost income and other expenses. Nationally, Royal Institute of Chartered Surveyors backed research has shown that it costs nearly £6,000 to keep a property empty for a year. The bulk of which is rent loss but nearly a third are the costs of dilapidation, security, insurance and the Council Tax liability.

Aim

The Council's aim is to encourage property owners to bring their vacant properties back into use. To consider all the options available for tackling the problem of empty properties and to ensure that where vacant properties are identified every effort is made to bring them back to a good standard and into use if the need arises. The lead role in bringing empty properties back into use is being taken by the Housing Strategy Department. One of the options available to the Council is the possible use of enforcement action to bring properties into use and it is within the Environmental Health section's remit to explore this option.

Project Description

Using the Empty Homes database 104 properties were identified as being empty for 1000+ days. These were targeted for inspection with the presumption that these properties would probably be in the worst condition as they have been empty the longest. This assumption may be incorrect but in the absence of any previous proactive inspections of empty properties, resulting in little knowledge of our empty stock in Monmouthshire, this was deemed to be a starting point.

The empty properties were identified by the Housing Strategy departments' database and the 104 to be inspected were cross referenced with the Council Tax departments' information. We also gathered information from council tax to determine whether there were any monies owing to the Council on any of the 104 properties appraised in this project.

The exteriors of the properties were inspected and risk assessed looking at factors such as time vacant, whether the property affects other properties or the health of other people, the condition of the garden, whether the property is verminous, whether the property has council tax debt etc. A copy of the scoring matrix which includes all the factors assessed can be found in **Appendix A**. As a result of this risk assessment, each property is scored. A list of all the scores can be found in **Appendix B**.

From the score list we were able to prioritise the top 8 properties for re-inspection and consideration of taking possible enforcement action. A list of the priority properties can be found in **Appendix C**.

Enforcement Options

In all cases, informal action will be used initially to try and get the owner to do any works necessary to ensure the property is not causing a nuisance or prejudicial to public health in any way. If informal action proves unsuccessful then formal action options will be considered.

The first consideration in using enforcement powers will be to address minor issues created by the fact that the property is empty. These will generally be short-term solutions to problems being caused. These can often be resolved quickly and without major expenditure by the owner. The available powers are as follows:

Table A

Problem	Legislation	Power Granted	Section
Condition and appearance of property adversely affecting the amenity of the neighbourhood.	Section 215 Town and Country Planning Act 1990	To require owner to take necessary steps to improve the condition and appearance of the property. Where the owner fails to take action the Council may undertake the work and an appropriate charge will be imposed on the owner.	Planning Control Section
Dangerous Dilapidated Buildings or Structures	Building Act 1984, Sections 77 and 78	To require the owner to make the property safe (Section 77) or enable the local authority to take emergency action to make the building safe (Section 78).	Building Control Section
	Housing Act 2004, Section 5 and 7	To require the owner to carry out works where the local authority consider housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant.	Environmental Health Team
Unsecured properties (if it poses the risk that it may be entered or suffer vandalism, arson or similar)	Local Government (Miscellaneous Provisions) Act 1982, Section 29	To require the owner to take steps to secure a property or allow the local authority to board it up in an emergency.	Environmental Health Team

Blocked or defective drainage or private sewers	Local Government (Miscellaneous Provisions) Act 1976, Section 35	To require the owner to remove obstructions from private sewers	Environmental Health Team
	Building Act 1984, Section 59	To require the owner to address blocked or defective drainage	Environmental Health Team
	Public Health Act 1961, Section 17	To require the owner to address defective drainage or private sewers	Environmental Health Team
Vermin (If it is either present or there is a risk of attracting vermin that may detrimentally affect people's health)	Public Health Act 1961, Section 34	To require the owner to remove waste so that vermin is not attracted to the site (relates to accumulation of rubbish). Obligation of occupier of land to notify local authority of rats and mice.	Environmental Health Team
	Prevention of Damage by Pests Act 1949, Section 4		
	Environmental Protection Act 1990, Section 80		
	Building Act 1984, Section 76		
Unightly land and property affecting the amenity of an area	Public Health Act 1961, Section 34	See above	Environmental Health Team
	Town and Country Planning Act 1990, Section 215	To require the owner to address unsightly land or the external appearance of a property.	Planning Control Section
Statutory Nuisances	Environmental Protection Act 1990 section 80	To require owner to abate statutory nuisance e.g. Penetrating damp	Environmental Health Team

The second consideration, given the nature of problems being caused, is to consider whether it is appropriate to use more direct enforcement legislation to bring the property back into use. These powers are seen very much as a last resort. These enforcement options are as follows;

Table B

Problem	Legislation	Power Granted	Section
Condition and appearance of property adversely affecting the amenity of the neighbourhood.	Enforced Sale: Law of Property Act 1925	If the Council carry out works as above, the Council can ensure that the costs of the work can be recovered for example through a charge on the property. If the monies remain unpaid, the Council may force the sale of the property.	Environmental Health Team & Legal Services
	Compulsory Purchase: Housing Act 1985, section 17	Where all available avenues of action have been explored and have been unsuccessful, as a last resort the Council can use compulsory purchase orders. These orders have to be approved by the Government Office and may be subject to public inquiry. The Council's intention to use these powers will be communicated with owners who would be given the opportunity to voluntarily take the necessary remedial action to resolve the situation. Disposal by the Council of a property subject to a compulsory purchase order, would normally mean that the property would be transferred for use as Affordable Housing. However, if this proves not to be possible, it will be disposed of on the open market to an owner who makes an undertaking to bring the property back into use as a home.	Environmental Health Team & Legal Services
	Empty Dwelling Management Orders: Housing Act 2004	In specific circumstances for properties which have been unoccupied for a period of 6 months or more enables an authority, once approved by a residential property tribunal, to issue an EDMO which results in an empty property becoming re-occupied.	Environmental Health Team
	Demolition Order: Housing Act 1985, Section 265	In certain circumstances the condition of the empty property will not warrant bringing it back into use will not be feasible and the most satisfactory course of action will be to serve a demolition order.	Environmental Health Team

Summary of Results

1. The maximum score a property can incur is 41.
2. Scores of the 104 properties assessed have been banded into the priority levels in the table below. These bands have been used by neighbouring Local Authorities.
3. The majority of scores fall into Low-Med priority levels attracting voluntary intervention or use of lower scale enforcement powers provided in table A
4. Top 8 scores are provided in appendix 3. These properties will be revisited, their scores re-appraised and consideration given to any necessary action to ensure the properties are not causing a nuisance or prejudicial to public health.

Priority Score	Level	Actions	No. Of Properties inspected within each level
<5	LOW	No Action. Likely to be short term vacant.	6
5-15	MEDIUM	Voluntary intervention and consideration of alternative options <ul style="list-style-type: none"> • Sell • Rent • Compulsory leasing • Voluntary investment by owner Enforcement Action under table A	75
15-20	HIGH	Enforcement Action Necessary using table A Consideration to enforcement action under table B.	1
20+	VERY HIGH	Enforcement Action necessary under tables A & B. Consideration of EDMO.	2
		TOTAL	84

N.B The other 20 properties inspected were found to be occupied or under renovation

Conclusion

1. The worst properties found during the inspection programme were found to be remote and not impacting on residential areas.
2. Some properties are undergoing renovation, some are farm buildings being used as storage or are properties that have now become reoccupied.
3. None of the 104 empty properties inspected are in Council Tax debt, which has been a key factor in action taken by other Local Authorities in progressing with the more direct enforcement route such as enforced sale.

4. For the 8 properties that have scored the highest, any of the actions to be taken are likely to fall in the lower enforcement Table A options.

Further Initiatives

1. Re-inspect top 8 and report in detail on findings by 1st February 2013.
2. Inspect next band of 40 properties by 1st March 2013 (ie those empty the longest on database)
3. Housing Strategy may wish to consider further voluntary initiatives for the properties that fall in the low to middle priority bands e.g one to ones, leaflets, providing guidance to empty home owners.

Empty Property Inspection Sheet

Property: _____

Date of Inspection _____ Officer _____

Property Description _____

Question		Score Awarded	Comments												
1	<p>How long has the property been vacant</p> <table border="0"> <tr> <td><u>Duration</u></td> <td><u>Score</u></td> </tr> <tr> <td>6-12 months</td> <td>1</td> </tr> <tr> <td>1 –3 years</td> <td>2</td> </tr> <tr> <td>4-6 years</td> <td>3</td> </tr> <tr> <td>7-10 years</td> <td>4</td> </tr> <tr> <td>10+ years</td> <td>5</td> </tr> </table>	<u>Duration</u>	<u>Score</u>	6-12 months	1	1 –3 years	2	4-6 years	3	7-10 years	4	10+ years	5		
<u>Duration</u>	<u>Score</u>														
6-12 months	1														
1 –3 years	2														
4-6 years	3														
7-10 years	4														
10+ years	5														
2	<p>Is there a current problem that affects other property?</p> <p>No = 0 Minor=1 Medium =2 Major = 3</p>														
3	<p>Is there a current problem which affects other people and potentially their health?</p> <p>No = 0 Minor=1 Medium =2 Major = 3</p>														
4	<p>Is the property a source of uncontrolled invasion from weeds?</p> <p>No = 0 Minor=1 Medium =2 Major = 3</p>														
5	<p>Is the property a source of verminous pests?</p> <p>No = 0 Minor=1 Medium =2 Major = 3</p>														
6	<p>Does the property have gardens that are untended and unsightly?</p>														

	No = 0 Minor=1 Medium =2 Major = 3		
7	Are there problems with accumulations of rubbish or fly tipping? No = 0 Minor=1 Medium =2 Major = 3		
8	Are the walls and fences effective, and suitable for purpose? No = 0 Minor=1 Medium =2 Major = 3		
9	Does the house itself impact negatively on the general street scene? No = 0 Minor=1 Medium =2 Major = 3		
10	How many complaints have been received about the property? None = 0 <5 =1 5-10 = 2 10+ = 3		
11	How many statutory notices have been served concerning this property? None = 0 <3 =1 3-6 = 2 6+ = 3		
12	What value of debt is owed to the Council? £0 = 0 £<500 = 1 £500-1000 = 2 £1000+ = 3		
13	Has an owner been traced? No = 0, Possibly = 1, Probably = 2, Yes = 3.		
TOTAL EPS SCORE			

Priority Score _____

Appendix B

	Empty Property Postal Code	Property Score
1	NP15 1LS	10
2	NP7 0PN	14
3	NP16 5PS	10
4	NP26 5DB	5
5	NP7 0NY	10
6	NP16 5PJ	6
7	NP16 6ST	6
8	NP25 3EF	5
9	NP4 0AW	8
10	NP7 7DA	8
11	NP7 0EW	8
12	NP26 4BS	5
13	NP7 9AE	11
14	NP4 0AD	5
15	NP25 3LD	7
16	NP7 5UW	11
17	NP25 5QB	8
18	NP16 5LL	6
19	NP26 5AX	23
20	NP7 8RD	7
21	NP26 5AH	7
22	NP25 5SR	10
23	NP15 1BQ	8
24	NP26 5TQ	Occupied
25	NP7 5AD	Not found
26	NP7 9LF	6

27	NP7 8EE		5
28	NP4 0AA		6
29	NP16 5DJ		19
30	NP16 5DJ		21
31	NP4 8RG		7
32	NP7 8ER		8
33	NP16 6NT		4
34	NP16 6SN	Occupied	
35	NP26 3SY		13
36	NP7 8BB		7
37	NP7 8DW		5
38	NP25 3NG		8
39	NP25 4TL		9
40	NP25 5HG	Not found	
41	NP26 4AF	Occupied	
42	NP7 9SD		7
43	NP15 1AE		12
44	NP16 5LJ		7
45	NP7 6EU		7
46	NP7 8AW		4
47	NP7 0LH		10
48	NP15 1BN		7
49	NP7 0LR		7
50	NP7 8PD		7
51	NP15 1DZ	Occupied	
52	NP7 5ER		9
53	NP25 4BU		7
54	NP7 5LX		9
55	NP7 8LW		6

56	NP25 3LH		8
57	NP25 3EE		6
58	NP7 9PN		11
59	NP25 3EF		4
60	NP4 0HR		9
61	NP18 1HU		13
62	NP15 1LJ		6
63	NP25 3EE		6
64	NP16 6SE		13
65	NP16 5FB	Occupied	
66	NP15 1HG		14
67	NP25 3EA		4
68	NP15 1TF	Occupied	
69	NP25 3UZ	Occupied	
70	NP7 5RG		9
71	NP16 6TZ		7
72	NP26 5BB	Occupied	
73	NP25 3LR	Occupied	
74	NP25 4DT	Occupied	
75	NP7 6HE	Occupied	
76	NP25 3UZ		7
77	NP26 4HE		6
78	NP15 1LR		6
79	NP16 6AG	Not Found	
80	NP15 2JQ		6
81	NP26 3EQ		9
82	NP7 0ET		6
83	NP16 5JZ		5
84	NP16 6RA	Renovation	

85	NP26 3BX		6
86	NP25 4BR	Occupied	
87	NP7 5DA	Occupied	
88	NP26 5SN		12
89	NP15 2EL		4
90	NP7 0LW		10
91	NP25 4AJ		7
92	NP7 0BA		6
93	NP7 9FL		5
94	NP25 3NG	Occupied	
95	NP25 3HE		8
96	NP26 4EN		6
97	NP26 3PY		12
98	NP25 3UZ	Occupied	
99	NP15 1HA		5
100	NP7 5JT	Occupied	
101	NP25 5QZ		12
102	NP25 4BD		5
103	NP25 4BD		5
104	NP26 4AB		3

Appendix C

Properties with highest scores

19	NP26 5AX	23
30	NP16 5DJ	21
29	NP16 5DJ	19
2	NP7 0PN	14
66	NP15 1HG	14
35	NP26 3SY	13
61	NP18 1HU	13
64	NP16 6SE	13

Environmental Health Empty Homes Project

April 2014

Report No. 2

Background

After the initial inspection programme detailed in report 1, phase 2 of the project involved a further inspection of another 34 empty properties. These properties were gathered together by the Housing Strategy department and passed to the Environmental Health Team. They were next tranche of properties pulled from their database as being identified empty the longest. These properties were inspected using the same scoring matrix as described in report 1.

Empty properties are a waste and they can cause nuisance and environmental problems. They can be the focus for increased levels of crime, including drug abuse and vandalism, and represent a significant loss of revenue for the Council. Empty properties are a growing concern for the public, especially in light of increasing media attention. As a result the Council has been receiving an increasing number of service requests regarding empty properties. In properly dealing with empty properties the Council can possibly help address Monmouthshire's housing needs by providing accommodation for owner occupation or renting.

Empty homes, as well as their detrimental impact on neighbourhoods and adjacent properties, represent a major financial loss to owners, both in terms of lost income and other expenses. Nationally, Royal Institute of Chartered Surveyors backed research has shown that it costs nearly £6,000 to keep a property empty for a year. The bulk of which is rent loss but nearly a third are the costs of dilapidation, security, insurance and the Council Tax liability.

Aim

The Council's aim is to encourage property owners to bring their vacant properties back into use. To consider all the options available for tackling the problem of empty properties and to ensure that where vacant properties are identified every effort is made to bring them back to a good standard and into use if the need arises. The lead role in bringing empty properties back into use is being taken by the Housing Strategy Department. One of the options available to the Council is the possible use of enforcement action to bring properties into use and it is within the Environmental Health section's remit to explore this option.

Project Description

Following Report 1 we had identified 8 properties that prioritised for re-inspection by the Housing specialist Environmental Health Officer and the Principal Environmental Health Officer. 3 of these properties were scored moderately high, however the other 5 remained at a low score. 6 out of the 8 properties have been re-inspected thus far including the 3 with the higher scores. After re-inspection of these 6 the scores remained the same. 1 property has potential for the Environmental Health department to look into further and that is; The Steps, Caerwent. This property will be further investigated in Phase 3 of the project and the owner contacted.

Along with these 6 inspections the Environmental Health department inspected all 34 properties chosen by the Housing Strategy dept. A list of all the scores from phase 2 of the project can be found in **Appendix D**

The exteriors of the properties were inspected and risk assessed looking at factors such as time vacant, whether the property affects other properties or the health of other people, the condition of the garden, whether the property is verminous, whether the property has council tax debt etc. A copy of the scoring

matrix which includes all the factors assessed can be found in Report 1. As a result of this risk assessment, each property is scored.

Summary of results

Out of the 34 new properties inspected 12 were found to be occupied or under renovation. Of the remaining 22 properties, all of them scored extremely low with a top score of 14 for one property and all the others being under 9 with the majority scoring 3 and 4. As the scores were so low and these properties have little or no impact on the area/neighbours around them, the Environmental Health department will not be taking action with regards to these properties. We will however investigate any future complaints should any arise.

- 1 The maximum score a property can incur is 41.
- 2 Scores of the 22 properties assessed have been banded into the priority levels in the table below. These bands have been used by neighbouring Local Authorities.
- 3 The majority of scores fall into Low priority levels attracting voluntary intervention or use of lower scale enforcement powers.

Priority Score	Level	Actions	No. Of Properties inspected within each level
<5	LOW	No Action. Likely to be short term vacant.	16
5-15	MEDIUM	Voluntary intervention and consideration of alternative options <ul style="list-style-type: none"> • Sell • Rent • Compulsory leasing • Voluntary investment by owner Enforcement Action under table A (see report 1)	6
15-20	HIGH	Enforcement Action Necessary using table A (see report 1) Consideration to enforcement action under table B.	0
20+	VERY HIGH	Enforcement Action necessary under tables A & B (see report 1). Consideration of EDMO.	0
		TOTAL	22

Conclusion

- 1 6 out of the 8 worst properties found during phase 1 of the project have been re-inspected and the Environmental Health dept have got involved with 2 to address issues such as overgrown gardens etc. The worst property will get further investigated in phase 3 of the project.
- 2 Once again the properties within the inspection programme were found to be remote and not impacting on residential areas. As a result of this we have asked the Housing Strategy dept to send us a third list of properties based on area and housing need rather than on how long the property has been empty.
- 3 Many properties were found to be undergoing renovation or were occupied which suggests that the information held is out of date.
- 4 Only 2 properties were found to have Council Tax debt. One property owed £900 and another £4000. Still both these properties only scored 4 and would not be suitable for enforcement action. Council Tax debt has been a key factor in action taken by other Local Authorities in progressing with the more direct enforcement route such as enforced sale.

Further Initiatives

- 1 Re-inspect top other 2 properties prioritised in Phase 1 and look into an action needed with regards to empty property in Caerwent.
- 2 Inspect next band of 40 properties sent to Environmental Health by Housing Strategy based on area and not time spent empty.
- 3 Housing Strategy may wish to consider further voluntary initiatives for the properties that fall in the low to middle priority bands e.g one to ones, leaflets, providing guidance to empty home owners.

Appendix D

	Empty Property Postal Code	Inspection Score
1	NP4 0HL	9
2	NP15 1AJ	4
3	NP4 0HT	3
4	NP16 5DF	3
5	NP26 5RS	3
6	NP7 7DH	3
7	NP26 4HW	3
8	NP7 5UN	3
9	NP15 1AL	4
10	NP25 4PH	4
11	NP26 4HF	occupied
12	NP26 5DB	n/a
13	NP25 5AN	n/a
14	NP26 4NE	3
15	NP7 5DH	occupied
16	NP26 5DF	n/a
17	NP4 0HE	n/a
18	NP25 4PU	n/a
19	NP15 1PE	6
20	NP15 1QA	occupied
21	NP15 1LP	3
22	NP7 8NU	occupied
23	NP25 4TU	occupied
24	NP16 6NY	11
25	NP16 6BU	5
26	NP26 3DD	4
27	NP26 3AT	3
28	NP25 3LX	14
29	NP7 8SF	8
30	NP15 1DN	occupied
31	NP7 5UP	3
32	NP16 6QG	4
33	NP25 4AN	occupied
34	NP16 6SE	3

Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Empty Property Update
Date decision was made:	23rd January 2018
Report Author:	Stephen Griffiths

What will happen as a result of this decision being approved by Cabinet or Council?

In the short term the Status Quo is maintained in terms of the number of empty properties being brought back into use. However in the long term it is the benchmark upon which the nature and scope of future work to be undertaken will be assessed.

12 month appraisal

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

the following will be monitored:

- Number of property owners lettered
- Number of property owners engaged
- Number of properties brought back into use

- Number of Empty property Loans taken up

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

There are no costs or saving associated with the update

12 month appraisal

Any other comments



Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)





<p>Name of the Officer completing the evaluation Stephen Griffiths</p> <p>Phone no: 01633 644455 E-mail: stephengriffiths@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Empty Property Update</p>
<p>Name of Service</p> <p>Housing & Community Services</p>	<p>Date Future Generations Evaluation form completed</p> <p>3rd January 2018</p>


1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	A neutral contribution.	
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	A neutral contribution	

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Neutral contribution	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Neutral contribution	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Neutral contribution.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Neutral contribution	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term Balancing short term need with long term and planning for the future</p>	<p>Properties that are brought back in to use will contribute to the overall availability of housing within Monmouthshire.</p>	<p>Engagement with empty property owners</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>Appropriate empty properties can be referred on to RSL's for purchase and refurbishment.</p>	
 <p>Involvement Involving those with an interest and seeking their views</p>		
 <p>Prevention Putting resources into preventing problems occurring or getting worse</p>	<p>Not applicable</p>	

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="152 384 302 416">Integration</p> <p data-bbox="331 252 517 496">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="544 252 1301 347">Bringing empty properties back into use can involve refurbishment work that can be undertaken by local businesses and materials sourced from local suppliers.</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	
Disability	None	None.	
Gender reassignment	None	None	
Marriage or civil partnership	None	None	
Race	none	None	
Religion or Belief	None	None	
Sex	None	None	
Sexual Orientation	None	None	
Welsh Language	None	None	

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	<i>No negative impacts</i>	
Corporate Parenting	None	No negative impacts	

5. What evidence and data has informed the development of your proposal?

Empty Property records from Council Tax
Desk top exercises and property visits

6. **SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The main positive benefits of this update are: it forms the benchmark upon which all future activity is based upon.
The main negative impacts are: neutral in terms of it negative impact

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable. Yes

What are you going to do	When are you going to do it?	Who is responsible	Progress
Submit a update to Select	November / December 2018	Stephen Griffiths	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review. –

The impacts of this proposal will be evaluated on:	December 2018
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