



Agenda Item Introduction

Committee	CORPORATE SCRUTINY COMMITTEE
Date	11 JULY 2023
Topic	PRE-DECISION SCRUTINY – EMPTY PROPERTY STRATEGY

BACKGROUND

The committee is to review the Empty Property Strategy, that sets out the Council's approach for dealing with empty properties, before it is due to go to Cabinet for approval on 13 July 2023.

FOCUS FOR SCRUTINY

The role of the committee is not to act as a 'shadow Cabinet'. Its function is to ensure that the principles of decision making have been complied with:

- taking into account all relevant considerations and ignoring those which are irrelevant
- compliance with finance, contract and all other procedure rules
- due consultation and proper advice is taken, and alternative options considered before decisions are reached
- impartiality and an absence of bias or pre-determination
- any interests are properly declared
- decisions are properly recorded and published
- decisions are proportionate to the desired outcome
- respect for human rights and equality impacts
- a presumption in favour of transparency and openness
- clarity of aims and desired outcomes
- due consideration of all available options
- reasons are given for decisions

OUTCOME

Does the committee support the proposed recommendations, or wish to report any comment to Cabinet?

APPROACH

The Cabinet report to be submitted to the committee.

DOCUMENTS ATTACHED

Report to Cabinet on 13 July 2023 - Empty Property Strategy (Residential) 2023-2028
Appendix 1 – Empty Property Strategy 2023-2028

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Cabinet report

Date	13 JULY 2023
Title	EMPTY PROPERTY STRATEGY (RESIDENTIAL) 2023-2028
Report of	CABINET MEMBER FOR ADULT SERVICES & HOUSING, PUBLIC HEALTH AND HOMELESSNESS

EXECUTIVE SUMMARY

1. The Empty Property Strategy (Residential), which covers residential properties, has been reviewed and updated.
2. It is not a statutory requirement for councils to have an empty property strategy. However, it is considered good practice to have one to provide a framework for action.
3. One of the key areas of the Corporate Plan is to increase the availability of affordable housing. The Housing Strategy recognises that bringing empty property back into use will utilise existing housing stock. The Corporate Plan includes the requirement to keep the Empty Property Strategy under review.
4. There are currently 72,359 residential properties on the Isle of Wight with an estimated 956 that are empty according to the Council Tax base. A residential property is considered empty if it has been vacant and unfurnished for six months or more. The number of homes empty six months, or more is 639. Most empty homes are sold or re-let within a year and only 109 remaining empty more than two years.
5. The empty property strategy aims to bring long term empty homes back into use to increase the supply of quality and affordable homes for Island residents and in turn reduce the detrimental impact of empty properties on communities.
6. This will have some additional benefits to the council including
 - Detection of fraud or recovery of unpaid council tax
 - Reduced criminal activity and anti-social behaviour
 - Addressing the blight caused by eyesore properties
7. The Empty Property Strategy will ensure the Council acts strategically to push the empty homes agenda to promote good practice with the overall aim of reducing the numbers of empty homes.

RECOMMENDATION

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| <p>8. That Cabinet adopt the Empty Property Strategy (Residential) as attached at appendix 1 and delegate authority for minor amendments to the Director - Adult Social Care and Housing Needs in consultation with the Cabinet Member for Adult Services & Housing, Public Health and Homelessness.</p> |
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BACKGROUND

9. An Empty Property Strategy, which covers residential properties, is not a statutory requirement but the Council has one to ensure that empty properties numbers are monitored and the associated community issues are managed.
10. There are 72,359 properties on the Island and the number of properties empty more than six months at the end of March 2023 was 639 (0.88%). The total number of empty residential properties remains relatively consistent and most empty homes are sold or re-let within two years, with only 109 remaining empty for more than two years.
11. Residential properties remaining empty for more than 2 years are considered long term empty homes. The focus will be to bring long term empty homes back into use to increase the supply of quality and affordable homes for Island residents and in turn reduce the detrimental impact of empty properties on communities.
12. The strategy objectives are to:
- Maintain relevant, accurate and up to date information relating to empty homes on the Island
 - Bring empty homes back into use by encouragement and advice to property owners
 - Consider options for action when negotiations fail to bring empty homes back into use.
 - Raise awareness of the Empty Property Strategy (Residential) with residents, property owners and community, town and parish councils.
13. We will achieve this through an action plan focussed on
- Identification of empty properties
 - Engagement with property owners
 - Working in partnership
 - Raising awareness
 - Monitoring the number of empty homes and how long they are empty
 - Monitoring the number of empty homes that come back into use
 - Prioritising intervention and enforcement where necessary
14. The Council Tax database is the government's preferred method to measure the number of empty homes. It is, however accepted that this method does not provide a full account of all empty properties. The action plan that supports this strategy sets out how the empty property role can help provide additional information, informing Council Tax team when empty properties are reported using housing renewal information, planning records and customer complaints to assist in an accurate database of empty homes.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

15. Within reference to the [Corporate Plan 2021 – 2025](#) the Empty Property Strategy supports several key areas of activity

Provision of affordable housing for Island Residents

16. Bringing empty properties back into use can increase the supply of housing. Raising awareness and sign posting property owners to the Council's Landlord Incentive Scheme may result in more landlords joining the scheme.

Responding to climate change and enhancing the biosphere

17. The refurbishment and renewal of existing housing stock can help reduce the greenhouse gas emissions because of energy use in buildings. Encouragement of owners to upgrade their property to improved insulation standards will support the council net zero emissions as an island by 2040

Economic Recovery and Reducing Poverty

18. The Isle of Wight is a UK visitor destination for tourists. This strategy supports economic recovery by prioritising empty properties in dilapidated condition that are in prominent and sensitive locations such as Conservation Areas and town centres.

19. The encouragement of empty property owners to bring properties back into use will result in opportunities for investors to buy dilapidated properties as more empty properties are put on the market. This refurbishment of empty properties provides employment and skills development for small to medium builders. Supporting the council's ambition for regeneration increased confidence in an area supports economic growth by renewal and occupation of unused properties.

Impact on Young People and Future Generations

20. The strategy aims to bring empty properties back into use and so could provide properties for families and young people to live locally now and in the future. This will also create places where young people and future generations have a stake in where they live.

Corporate Aims

21. One of the key areas within the Corporate Plan is to increase the availability of housing across the Island. The Council will work to bring empty properties back into use, including the use of compulsory purchase if necessary. The Council corporate aim is to wherever possible bring appropriate empty and derelict buildings back into use for affordable housing. Bringing empty properties back into use can increase the supply of housing.

CONSULTATION

22. Internal consultation has been carried out but there is no statutory duty to consult.
23. The strategy was shared with Community, Town and Parish Councils and registered social landlords to obtain feedback.

FINANCIAL / BUDGET IMPLICATIONS

24. There may be cost implications as a result of this strategy. The activities of the empty property intervention may result in associated costs of individual enforcement actions that will need to be found in existing budgets and or reclaimed through the legal process by way of cost applications in successful cases. If there is an identified risk in the ability to claim back relevant costs, this will limit the enforcement decisions to reduce/ negate that risk.
25. The costs of deferring enforcement could lead to increased cost to the authority, for example in some cases the authority may need to carry out works in default. If the council do not apply enforcement the deterrent of the strategy will not be so effective.

LEGAL IMPLICATIONS

26. The Local Authority have a number of legislative powers that enable them to action the aims of the Empty Property Strategy. It is acknowledged the majority of empty property will come back into use through advice and guidance, threat of enforcement and serving of notice used only after negotiations fail.
27. Statutory Notices served under a range of legislation can require owners to address issues of neglect and safety. It should be noted owners have rights to appeal against notices. Any decisions will be made in line with the enforcement policy relevant to that power or department. Although the powers available under legislation may deal with a specific problem, they may not necessarily result in the empty property coming back into use.
28. Local Authorities can recover charges against a property through its enforced sale. This option may be used when there is a debt against the property registered as a charge at the Land Registry. Council tax debts or works in default can be charged to a property in many cases bringing about a sale and a change in ownership will mean the property comes back into use
29. The powers to compulsory purchase an empty property will depend on the reason identified for it being subject to the power to CPO. These powers should only be used as a matter of last resort to achieve the strategy aims and would have to regard to the Crichel Down rules guidance. Before the powers are used the council would be expected to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in the and CPO by agreement with appropriate compensation paid. Compulsory purchase is intended as a last resort.

EQUALITY AND DIVERSITY

30. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

31. It is not considered that the Empty Property Strategy will have any direct adverse implications to any of the protected characteristics groups as these services operate within protocols to ensure equal access to services.

SECTION 17 CRIME AND DISORDER ACT 1998

32. This Strategy directly assists the local authority in meeting its statutory duty under Section 17 of the Crime and Disorder Act 1998 (as amended by Police and Justice Act 2006) in the determining of further enforcement action to achieve compliance and reduce criminal behaviour.

OPTIONS

33. To agree to adopt the Empty Property Strategy (Residential) as attached at appendix 1 and delegate authority for minor amendments to the Director - Adult Social Care and Housing Needs in consultation with the Cabinet Member for Adult Services & Housing, Public Health and Homelessness.
34. To agree to adopt the Empty Property Strategy (Residential) as attached and delegate authority for minor amendments to the Chief Executive in consultation with the Cabinet Member for Adult Services & Housing, Public Health and Homelessness.
35. To seek changes to the Empty Property Strategy and request that a revised draft is brought back to the Cabinet at a later date for further consideration.
36. Not to adopt an Empty Property Strategy.

RISK MANAGEMENT

37. The current empty property policy requires a review in regard to the current national and local context, and to be fully compliant with the Regulators' Code under the Legislative and Regulatory Reform Act 2006. This legislation places a duty on the Isle of Wight Council as a regulator to have regard to the principles specified in the legislation.
38. If the Council does not adopt this strategy it will result in no coordinated approach to the management of empty properties and the risk that the number of properties and associated issues increases.

EVALUATION

39. The Island has an increasing demand for housing and by adopting this strategy it will manage the number of properties that remain empty and help to manage the associated community issues.
40. The Empty Property Strategy is one tool that the Council can use to support delivery of its aspirations to address the housing issues on the Island.

41. The review focused on the need for a Empty Property Strategy as a framework for enforcement action. The work being undertaken by Revenue and Benefits in light of the Levelling Up Bill which has had its first reading in parliament has been incorporated into the aims and objectives of the strategy. The main changes within this Strategy are:
- The document provides clear strategic direction and guidance linked to the Councils Corporate Plan and the Housing Strategy.
 - The document extends the need to work co-operatively across the Council and with our external partners to ensure an accurate database of empty properties.
 - Makes clear that the Empty Property Strategy is a proportionate and graduated approach to encouragement and working with owners of empty property to see most buildings brought back into use before two years. But also defines a robust approach where negotiations fail and enforcement action is considered necessary.
42. Responses to the consultation included the emphasis of enforcement action policies for the various regulatory powers available to different areas of the Council. The availability of resources and the challenges of tracing owners on whom to serve notices for enforcement. The complexities of the classification and identification of empty residential buildings to be able to accurately monitor the number of empty properties. The potential for involvement by Community, Town and Parish Councils and Community Led housing groups in identifying empty properties.

APPENDICES ATTACHED

43. Appendix 1 - Empty Property Strategy (Residential) 2023-2028

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