



Stockton-on-Tees
BOROUGH COUNCIL

**Private Sector
Housing Division**



**Empty Homes Policy
2010 - 2015**

Updated
October 2010

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1. Introduction

There is no widely accepted definition of an empty home, a range of terms such as vacant and redundant is also regularly used, whilst the Government classes ‘problematic vacancies’ as those that are inactive in the housing market and have been empty for more than six months.

Generally speaking an empty home is a unit of residential accommodation that is empty at a particular point in time. It is important to recognise however that empty homes are not a major problem in all areas and that some homes are empty for an acceptable reason, it is also important to recognise that there is never one simple solution to the challenge empty homes bring.

However, empty homes are a wasted resource and in certain areas empty and boarded homes can often be the first physical indications of low demand, area decline and area stigmatisation. Empty homes add to the spiral of decline by attracting crime, anti-social behaviour, fly tipping and arson. They can also cause a statutory nuisance to adjoining homes by problems associated with disrepair and dampness. Homes adjacent to and nearby long term vacant homes can also suffer significant falls in value and can erode the sense of local pride people have in their community which can further compound the decline process.

In addition to the above there can be a financial cost to an owner because of lost rental income, dilapidation, security, insurance, council tax etc. An empty home can also be costly to a Local Authority because of staff time dealing with complaints, nuisance and loss of council tax revenue.

This strategy seeks to address the problems and issues caused by empty homes. It does not attempt to address the problems and issues caused by non domestic empty properties. As such the term empty home or empty property used through out this document should be taken to have the same meaning that being an empty domestic dwelling.

2. Why Are Homes Empty?

It is important to recognise that not all empty homes are a major problem and that some homes are empty for an acceptable reason: empty between a change of occupants, undergoing refurbishment, or newly completed but not yet occupied.

However with the more ‘problematic’ empties there can be number of factors contributing to why a home has become empty and remains empty. These can relate to the circumstances of an individual or persons involved with the property, the property itself or wider economic, social and environmental issues.

Individual factors such as;

- Owner could be in hospital/receiving care
- Unresolved ownership matters (this usually occurs following the death of the owner)
- Financial matters (lack of funds/bankruptcy)
- Lack of experience in property letting/refurbishment
- Owner does not understand or appreciate the financial benefit of returning a property back in to use

Property factors such as;

- The property has been acquired as an investment without the intention to refurbish and/or let
- The condition of the property means that the cost of refurbishment work relative to the expected income is prohibitive
- The property has been repossessed

Wider economic, social and environmental issues such as;

- Low housing demand
- Area regeneration – the lengthy periods of time between the moving out of residents and redevelopment commencing can result in properties being left empty for longer than desired.
- Closing down of businesses which have previously sustained households

3. Current Position

There are approximately 652,000 empty homes in England of which 307,000 are long term empty i.e. empty for 6 months or longer (Empty Homes Agency statistics 2009). In the Borough of Stockton there are approximately 2,062 vacant private sector homes which represent approximately 3.1% of the private sector stock. Of these 2,062 vacant homes 1,086 have been vacant for longer than 6 months - Council Tax records April 2010

The Private Sector Housing Division uses a scoring system (See Appendix 2) to assess and score empty homes and prioritise them. Based on this scoring system our priority list shows that the majority of empty homes are situated within the wards of Parkfield and Victoria, which have areas of high density pre 1919 terraced properties. Within these wards there are areas where empty homes are specifically concentrated which contributes further to the problems of low demand and decline.

The number of empty homes is also significantly increasing in the wards of Billingham South and Newtown (Primrose Hill) the latter also having areas of pre 1919 terraced property.

4. Available Resources

The Private Sector Housing Division employs two officers who are responsible for dealing with the work relating to empty homes. The two posts are funded from the Private Sector Division's own resources showing our commitment to the issues of empty properties.

The officers provide a point of contact for issues relating to empty homes, these issues include; empty homes which are open for unauthorised access, fly tipping and the dumping of rubbish, reports that an empty home is attracting anti-social behaviour or simply that a person is wishing to report that a property is empty or even where a person is interested in purchasing an empty home and need help in contacting the current owner.

In terms of financial resources the Division over recent years has operated various schemes and offered financial assistance in the form of grants and by utilising Single Housing Investment Pot (SHIP) funding to implement an Empty Homes Scheme for the Tees Valley region.

The Division will try to make available on a year on year basis, financial assistance to return empty homes back to use. However the amount of financial assistance actually available is subject to the funding resources provided to the Division. As such financial assistance may vary from year to year or not be available at all. Such financial assistance is discretionary and will only be provided when the return to use of an empty property is consistent with our strategic objectives.

5. Measuring Performance

The Private Sector Housing Division monitor the work in dealing effectively with empty homes, which are a major drain on both local and national resources. Whilst the Best Value Performance Indicator 64 (BVPI64) is no longer required by Central Government for monitoring local authority performance in this area the Private Sector Housing Division will continue to monitor the number of empty homes brought back in to use using the criteria contained within the former BVPI 64 along with certain other criteria which reflects the involvement of the Division in returning empty homes back in to use.

The Private Sector Housing Division also record the work they have undertaken and their performance in ensuring empty homes are secured against unauthorised access.

	05/06	06/07	07/08	08/09	09/10	10/11
Funding £	109,000	-	125,000	125,00	-	150,000
No. of empty properties brought back into use	52*	198*	130*	43*	48*	-
No of units	82 units	220 units	140 units	49 units	55 units	-
Empty properties secured against unauthorised access using:						
Emergency powers	23	13	33	21	9	-
Serving Notice	4	8	1	10	16	-
Informally	33	8	30	23	21	-

* Figures for 05/06 to 09/10 include demolished properties

The Division uses these figures to benchmark their performance against the other local authorities in the Tees Valley region.

6. How We Will Deal With Empty Homes

Our approach to the issue of empty homes within the borough is to work on both a proactive and reactive basis. We have been successful in proactively bringing empty homes back into use within the borough through a variety of means including specific 'priority' areas through the provision of grant assistance and in minimising the effect of empty homes through reactive responses to complaints.

On a reactive basis we will:

- Seek to minimise the problems caused by empty homes by ensuring they are kept in a secure condition and not a statutory nuisance or likely to become a danger to public health through entering into a dialogue with their owners.
- Arrange to have empty homes secured and any statutory nuisance removed or prevented from being likely to become a danger to public health if the owner cannot be found or if the owner fails to respond to our initial informal approach. To achieve our objectives we will work informally with owners of empty homes providing timely advice and appropriate assistance. However, should our informal approach not be successful or if

the owner of a property cannot be found we will have no hesitation in using the legislative powers available to the Authority; including inspecting empty homes and assessing them under Housing Health and Safety Rating System and determining the most appropriate course of action under the Housing Act 2004.

- Take Enforcement action including, undertaking work in default and subsequently take legal action to recover costs and considering legal proceedings for non-compliance with notices.

On a proactive basis we will:-

- Effectively collect and collate information on empty homes and their owners
- Actively seek to either bring empty homes back into use or remove from the housing stock in accordance with the Authority's Private Sector Housing Renewal Strategy, through the provision of a combination of general advice and enforcement action.

We recognise however that co-ordination of the various Departments involved with empty homes is required if we are to be successful in returning empty homes back in to use. Therefore, the Empty Homes Team has developed closer working practices with our colleagues within the Authority and our partner agencies to facilitate the exchange of information, identify and prioritise empty homes and develop new initiatives.

Having established this co-ordinating role we are able to provide a greatly improved service to our clients using service delivery methods which are both proactive and reactive using informal and formal means of achieving our goals.

Priority Areas

Because of the large number of empty homes across the borough and the limited resources available to address the problems they pose, the areas in which we will pro-actively tackle the problems caused by empty homes have been prioritised. A number of "priority areas" have been identified and this will ensure that we align our actions with the Authority's own strategic objectives and those of our partners. The following areas have been identified for proactive action.

- Parkfield/Mill Lane area.
- Mandale and Victoria Wards
- Newtown Ward
- Norton South Ward
- Billingham South Ward
- Hardwick
- Main arterial routes into Billingham, Stockton, Thornaby and Yarm.

Within these 'priority areas' empty homes will be prioritised for future action. Properties will be assessed and scored using the empty homes priority risk assessment form (See Appendix 2 & 3) for inclusion on the empty home priority list. The points based system will take into account the following factors:

- Property history in respect of being open for access.
- Requests for action from the Cleveland Fire Brigade or Police.

- Number of complaints about the property.
- Anti social behaviour; fly tipping, vandalism, arson, graffiti, substance misuse.
- Location of the property.
- Length of time property empty.
- Unsafe/dangerous building elements.
- Effect on adjacent homes.
- Overgrown gardens.
- Accumulations of rubbish.
- Condition of boundary walls and fences.
- Impact of the property on the street and surrounding amenity.
- History of the owner in respect of co-operating with the Council.

Although the majority of proactive work will be within the identified priority areas it must be recognised that on occasion there will be a need to deal with empty homes outside of these areas. Where it is clear that reactive and informal action have not or will not achieve positive outcomes and the property continues to be significantly detrimental to the neighbourhood in which it is situated, proactive activity will be undertaken to address the issues the property poses.

When it is brought to the attention of the Division that a property is empty then officers will undertake investigations to establish the owner of the property and make checks to ensure that the property is secured against unauthorised access. Where it is determined or reported that a property is open for access then officers will visit the property within 1 working day, for all other empty homes reported to the Division officers and will visit a property within 5 working days.

Where a property is found to be open for access then officers will undertake a risk assessment (See Appendix 1) that will determine the action to be taken in respect of securing the property against unauthorised entry.

Every empty home reported to the Division will be visited within 5 working days and will be assessed and scored using the empty homes priority assessment form (See Appendix 2) for inclusion on the empty home priority list. The Division will then write to the owner(s), if known and provide them an opportunity to contact the Division to discuss their plans and also provide them with advice to assist in the re-occupation of the property.

Officers from the Division will then monitor a property via external inspections and 6 months from the date of the initial letter will write to the owner once again. On the occasions where an owner has indicated or specified a time which is less than 6 months from the date of the Division's initial letter then an officer will visit to assess around the time specified by the owner to determine the current position in relation to the information provided.

Given the staffing resources available to the Division it is the top 15 properties listed on the empty homes priority list which will be actively targeted to utilise the full range of options available to attempt to return an empty home back in to use, this includes a corporate approach which will be co-ordinated by the Private Sector Housing Division.

However where the opportunity arises officers will attempt to return an empty home that is outside of the top 15 back in to use utilising the options available to the Division.

Details of the methods we will use and consider when dealing with empty homes are provided as follows:

- Raise awareness of the issues of empty homes.
- Ensure empty homes are secured against unauthorised access.
- Provide advice and assistance to owners.
- Provide financial assistance through a combination of grants and loans.
- Provide maintain a database of potential investors.
- Put potential sellers in touch with potential investors.
- Take enforcement action including undertaking work in default where necessary.

7. Raising Awareness

An important role of the Empty Homes Team will be to raise awareness of the issues of empty properties. This will be done through effective use of the media and also by directly raising awareness within the Authority, external agencies and the community.

8. Ensuring Empty Homes Are Secured Against Unauthorised Access

Where a property is open for unauthorised access

Where a property is found to be open for access then officers will undertake a risk assessment (See Appendix 1) that will determine the action to be taken in respect of securing the property against unauthorised entry.

The options for action are:

- **Where a property scores between 38 and 28 points inclusive;** arrangements are to be made to have the property secured immediately against unauthorised access or take action to prevent the property from being likely to become a danger to public health, under the emergency powers contained in section 29 (8) of the Local Government (Miscellaneous Provisions) Act 1982 if the owner cannot be contacted. Where the owner is contacted then officers will allow the owner a maximum of 4 hours to make their own arrangements to have the property secured, should the owner refuse or fail to secure the property then the Division will arrange for the property to be secured.
- **Where a property scores between 27 and 15 points inclusive;** Officers will serve notice, under section 29 (6) of the Local Government (Miscellaneous Provisions) Act 1982 stating that they propose to undertake work to have the property secured against unauthorised access or take action to prevent the property from being likely to become a danger to public health. The Council will not undertake the works they propose before the expiry of the period 48 hours from the service of the notice.
- **Where a property scores below 15 points;** Officers will initially try to work informally and have the property secured against unauthorised access or take action to prevent the property from being likely to become a danger to public health. Where this approach fails officers will serve notice, under section 29 (6) of the Local Government (Miscellaneous Provisions) Act 1982.

9. Provision of Advice And Assistance To Owners

Advice

Advice and assistance will be made available on a borough-wide basis to any person wishing to bring an empty home back into use or to those that are affected by the issues of empty homes.

The Private Sector Housing Division will provide help and assistance on all issues relating to empty homes including advice on the sale of the property, this includes:

- Putting people who are seeking to sell their property in contact with potential investors from the Division's database of persons who have expressed an interest in purchasing empty homes to return back to use. The Division has also made arrangements with certain estate agents to provide a discounted rate for marketing an empty home.
- The Division will provide advice to owners who are considering letting out an empty home; this includes information on the Council's Landlord Accreditation Scheme. The scheme offers benefits to members such as assisting landlords both in obtaining suitable tenants and evicting those found to be involved in criminal or anti social activities. We will achieve this by providing landlords with free tenant referencing services via the Landlord Liaison Scheme. The scheme also offers free advertising of properties and discounted rates to members for certain services.
- Officers will provide advice to owners regarding undertaking renovation works, including identifying what type of work may be required, providing details of contractors used by the Council and assisting with obtaining costs and timescales.
- Other general advice will also be provided in terms of tenancy agreements, legal obligations and management responsibilities to ensure landlords are provided with the basic skills required to manage their tenants and properties.

In addition, where the Division cannot provide advice and assistance owners and landlords will be signposted towards other organisations that may be able to help.

Financial Assistance

Subject to the availability of adequate resources, financial assistance will be made available on a year on year basis to return empty homes back in to use. Any funding which is provided will be prioritised on the following basis;

- a) To properties within facelift areas
- b) To properties included in the empty homes priority list
- c) To properties within planned or ongoing regeneration areas

Outside of ongoing facelift schemes Financial Assistance, if available, will only be offered to properties that have been empty for more than 6 months. Evidence must be provided to show the length of time vacant.

For further details on the availability of financial assistance please contact the Private Sector Housing Division using the contact details within this policy.

Landlord Accreditation Scheme and Landlords Newsletter

Novice landlords, who wish to improve their property management skills, can do so by the use of the Landlord Forum which is held three times per year and the landlord newsletter which is distributed three times per year. Both the forum and the newsletter are a means of imparting knowledge, up to date information and training opportunities to landlords so that they are better equipped to effectively manage their properties and tenants.

10. Enforcement

The Authority work to the Regulators Code of Compliance and have adopted the Government's Concordat on Good Enforcement, which commits us to following fair, effective and consistent policies and procedures and where possible it is our intention to work informally with owners seeking through negotiation and discussion, ways of resolving problems caused by empty properties. We also have regard to the Stockton-on- Tees Borough Council Regulatory Services Enforcement Policy.

It is an unfortunate fact that not all owners will respond to positive encouragement. When informal working with an owner does not bring a property back in to use and where it is appropriate the Private Sector Housing Division will take enforcement action. Only when informal options have been exhausted or if there is an urgent need to make a property safe or remove a nuisance will immediate enforcement action be taken.

The Private Sector Housing Division were recently successful in obtaining authorisation from the Residential Property Tribunal to make an Interim Empty Dwelling Management Order in respect of a long term empty home where the owner would not co-operate in returning the property back in to use. The Division have also successfully used the Compulsory Purchase Order procedure to gain control of an empty home and return it back in to use and will continue to use the powers available where owners are non co-operative,

The enforcement options available to the Authority when dealing with empty properties and the appropriate Departments with whom the responsibility lays are listed at Appendix 3.

Use of Housing Act 2004

The Division will if necessary use the powers contained within the Housing Act 2004 to inspect and assess empty homes under the Housing Health and Safety Rating System. Where Category 1 and unacceptable Category 2 hazards are found to be present the Division will serve the appropriate notice to improve conditions. It is our view that just because a property is empty that this should not prevent the Division from looking to take the appropriate action. In giving consideration as to what that appropriate action might be the Division will give careful consideration to the individual circumstances of each case.

Following a request for assistance from a tenant and where a property which has been inspected and assessed under the Housing Health and Safety Rating System and Category 1 and unacceptable Category 2 hazards have been deemed to be present and the property subsequently becomes empty prior to the final determination of the most appropriate course of action, the Division will give careful consideration to the circumstances of why the property has become empty but not allow this reason to prevent further action and will still look to have work undertaken whilst the property is empty.

In circumstances where a notice or order is served and at a later date, but prior to any work being commenced or completed, a property becomes empty the Division will give consideration to the circumstances of why the property has become empty but will not allow this as a reason for the recipient of a notice or order not to undertake or complete work in order to comply with a notice or order.

In all situations not only may work prove easier to undertake whilst a property is empty but this is also aimed at preventing the owner or landlord intentionally making the property empty as a reason not to undertake or complete works, to prevent retaliatory evictions where tenants have reported poor housing conditions to the Division and to prevent additional properties becoming empty within the borough.

An owner or landlord of a property is more likely to want to bring the property on to the market for sale or for rental purposes where work of improvement has been undertaken.

The Division's Enforcement Action Policy document sets out in detail our response times, legislative powers, how we may deal with non-compliance of notices including undertaking work in default, enforcement charges etc, should it become necessary to initiate enforcement action. A copy of the Enforcement Action Policy document can be obtained upon request. It should be noted that when enforcement action is found to be necessary and/or where work is to be carried out in default then the Authority will effectively seek to recover any costs incurred and where applicable these costs will be registered as a land charge with the possible use of enforced sale as a last resort to recover any debts.

The Division will also consider instigating legal proceedings where the owners of empty homes or persons responsible for empty homes have not complied with legal notices.

11. Working With Partners

Current service delivery in relation to empty homes is spread across several service areas who each have a specific and important role to play (Appendix 4 details the various service areas and their available legislative powers). This situation can sometimes lead to a service delivery which is not as co-ordinated as we would wish. We will, therefore, work with our colleagues, partners and service users to improve our current service provision ensuring we provide a cost effective, efficient and appropriate service to our clients.

We will achieve this through collaborative, joint working via:

- The Corporate Empty Homes Group comprising of officers from the various service area involved with empty homes. The group meets on a regular basis to agree ways to deal with long term empty homes by developing closer working practices, exchange information, identifying and prioritising empty homes and developing new initiatives.
- The North East Empty Property Forum. This is a forum for all Local Authorities in the area to meet and discuss good working practices. It is a valuable tool for sharing information and best practice.
- The Housing and Neighbourhood Partnership comprising of representatives from the Local Authority, Housing Associations, private landlords, elected members, developers, businesses and residents. The Partnership is Housing's direct link to the strategic decision making process and is used to ensure our housing related services reflect corporate strategic objectives.

- Collaborative work with the Tees Valley Joint Strategy Unit to plot the occurrence of empty homes across the Tees Valley using the Geographical Information System.
- The Private Sector Housing Division operates a Landlord Accreditation Scheme. The scheme is in addition to the various ways in which the Council currently supports the work of the private rented sector; the scheme offers benefits to members such as tenant referencing through the Landlord Liaison Scheme, a Bond Guarantee Scheme, and assistance in resolving anti-social behaviour issues. The scheme also offers free advertising of properties and discounted rates for certain services to members.
- Work with local estate agents in an attempt to provide an incentive to owners of long term empty homes to place their properties on the market for sale. Estate agents offer reduced costs for owners of long term empty homes who may want to sell their properties.
- The Tees Valley Private Sector Housing Managers Group. Working to an agreed programme the group brings together the Housing Managers from the 5 Tees Valley Local Authorities with the aim of providing consistent policies, advice and assistance to residents across the Tees Valley.
- Reciprocal arrangements with both the Cleveland Fire Brigade and the Police in respect of notification of properties being found to be empty.

12. Service Standards

All requests for assistance received by the Private Sector Housing Division will be actioned within the following timescales:

Reporting of property open for access.	Properties inspected and action determined within 1 working day.
Overgrown garden, fly tipping, vermin.	Referral to relevant Department within 2 working days.
Dilapidated building.	Referral to relevant Department within 2 working days.
Enquiries for advice and assistance.	Within 5 working days
Enforcement procedures.	Within the timescales set out in the Division's Enforcement Policy.

13. Service Improvements

We intend to take a more proactive approach through joint working arrangements with our current and new partners to improve existing services and to develop new methods of bringing empty properties back into use.

In the main we will:

- Review and improve literature and advice currently given to owners of empty homes including information provided via the Council's website.
- Promote the Landlord Accreditation Scheme. Where financial assistance has been provided there will be a requirement to join these schemes.
- Provide information to Councillors twice yearly detailing the work undertaken in respect of empty homes.
- Update and improve statistical information on empty homes and plot relevant information into the Geographical Information System, using this information to prioritise actions.
- Promote the Landlord Liaison Scheme to secure good tenants. Where financial assistance has been provided there will be a requirement to join these schemes.
- Work closely with the Anti Social Behaviour team to educate landlords with regard to tenancy agreements, rights and responsibilities, dealing with anti social behaviour and repossession issues.
- Continue to use the provisions within the Housing Act 2004 in particular the use of Improvement Notices and Empty Dwelling Management Orders to undertake improvements and bring long-term empty homes back into use.
- Utilise the provisions within the Law and Property Act 1925 and in particular develop the enforced sale procedure to help in returning empty homes back in to use and recovering outstanding debts on properties.
- Work with the Planning Division to utilise the powers available under section 215 of the Town and Country Planning Act 1990
- Utilise the powers of the Building Act 1984.

14. Contact Details

By Post

Private Sector Housing Division
Development and Neighbourhood Services
Stockton-on-Tees Borough Council
16 Church Road,
Stockton-on- Tees
TS18 1TX.

By Telephone

01642 527797

By Fax

01642 526541

By e-mail

privatesectorhousing@stockton.gov.uk

emptyproperty@stockton.gov.uk

APPENDIX 1

SECURING OF EMPTY PROPERTIES RISK ASSESSMENT

			Score
Is the property currently open for access?	Ground floor = 6	First floor only = 3	
Has the property been secured previously?	Yes more than once = 5	Yes once only = 3	
Have the Fire Authority requested action?	Yes = 6	No = 0	
Is the property dangerous or unsafe?	Yes = 6	No = 0	
Have two or more complaints been received?	Yes = 3	No = 0	
Is the area known to be a problem with anti-social behaviour etc?	Yes = 6	No = 0	
Evidence of combustible material?	Yes = 6	No = 0	
			<u>Total Score</u>

Completed by:

(Print Name):

Section;

Date:

Scores between the limits of 28 points and 38 inclusive, to be secured immediately (if owner cannot be traced)

Scores between 15 points and 27 inclusive, LGMP S.29 (48 Hours notice to secure)

Scores below 15, informal letter then notice, then WID

Properties where arson attack attempts have already been made and the owner cannot be traced properties are to be secured immediately.

APPENDIX 2

PRIORITY SCORING ASSESSMENT

PROPERTY ADDRESS			Score	Max score
1	How many times has the property been found to be open for access and then secured?	count number of times the Private Sector Housing Division have had involvement.		
2	How many complaints has been received about the property?	Count number of complaints		
3	How many times have other Council departments, the Fire Authority, the Police or other agencies attended the property?	Enter number of times other Divisions have been called		
4	Is the property within 'a priority area'	No = 0, Yes = 15		
5	Length of time property has been vacant	1-2yrs = 1, 2-4yrs = 2, 5+ = 5 +1 additional point for each year		20
6	Are there unsafe or dangerous building elements	No = 0, Minor = 1, Medium = 2, Major = 5		
7	Is there a current problem affecting adjacent properties?	1 No = 0, Minor = 1, Medium = 2, Major = 5		
8	Does the property have unattended overgrown gardens?	No = 0, Minor = 1, Medium = 2, Major = 5		
9	Are there problems with accumulations of rubbish?	No = 0, Minor = 1, Medium = 2, Major = 5		
10	Are the walls and fences effective and suitable for purpose?	No = 0, Minor = 1, Medium = 2, Major = 5		
11	Does the house impact negatively on the appearance of the Street?	No = 0, Minor = 1, Medium = 2, Major = 5		
12	What level of response has there been from the owner?	None = 4, Poor = 3, Pessimistic =2, Optimistic = 1, Good = 0		
Total				

Completed By:

Date:

APPENDIX 3

EMPTY PROPERTY RISK ASSESSMENT & PRIORITY SCORING GUIDANCE NOTES

1.0 INTRODUCTION

This guidance provides assistance for the completion of the empty property priority scoring assessment used by the Empty Homes Team. The priority scoring assessment is the method used to collate information concerning problematic empty private sector homes.

The information is used to provide a score in respect of an individual empty home. Scoring empty homes in this way provides the means by which properties are prioritised for further action. The higher the score produced the higher the priority for needing to deal with the property.

2.0 BACKGROUND

Some questions require factual answers, and some require judgemental answers. For those which require judgement, it is usually a choice between "Minor", "Medium", or "Major". The guidance provides a typical example of each. It remains for the individual to make a choice, having regard to the guidance and deciding on the most appropriate score in each case.

Some of the questions relate to current problems and situations at the property which may consequently change. Once a problem is addressed the score should be amended accordingly.

3.0 EMPTY PROPERTY RISK ASSESSMENT & PRIORITY SCORING QUESTIONS

Q1 Number of times the property has been found to be open for unauthorised entry?

Enter = Number

Relates to incidents where the property has been found to be open for unauthorised entry and is then secured following the involvement of the Private Sector Housing Division

Q2 How many complaints have been received about the property?

Enter = Number

The number of valid complaints received from, Chief Executive, MP's, Councillors, Parish Councillors, Heads of Service, local residents, owners or other persons affected by the property. This will often just refer to complaints received by the Empty Homes Team, as these are most readily available. Complaints received by other Divisions or agencies should be counted as well.

Count each different complainant as a separate complaint, even if it is about the same thing. But ignore repeat complaints from the same complainant e.g. regular complaint from the same source that the property is empty. Consider all complaints received throughout the duration of the property being vacant.

The score increases as the number increase.

Q3 How many occasions has the input of other Council departments, Cleveland Fire Brigade, the Police, and other agencies been required in respect of incidents?

Enter = Number.

Relates to incidents at the property whilst vacant where the Anti-social behaviour team, the Fire Brigade or the Police or other agencies have been required to attend in respect of anti-social behaviour, arson and criminal activity.

It includes other incidents of an anti-social nature, drug related activities, or other inappropriate use of the premises. If not known, enter "0".

The score increases as the number increases.

Q4 Is the property situated within 'a priority area'?

No = 0, Yes =15

The geographical location of the property, and whether it is within one of the 'priority areas' as described in the Private Sector Housing Division empty homes policy

Q5 Length of time property has been vacant?

1 – 2 yrs = 1, 3 – 4 yrs = 2. 5+ = 5 plus 1 additional point for each year

This is from the date the property is known to be vacant and refers to the number of years, which the property has remained continuously empty using the best available reliable information to obtain a date, for example Private Sector Housing Division or Council Tax records.

Occupations of a few days, or a couple of weeks, or where short-term squatting has occurred, should be ignored.

Once the property has been vacant for 20 years, the score is no longer influenced by any additional vacancy time.

Q6 Are there unsafe or dangerous building elements?

No = 0, Minor = 1, Medium = 2, Major = 3

These will be defects at the empty home, which make the property unsafe or dangerous (or likely to be a danger to public health). Such defects would probably be actionable under Building Act, Public Health or Environmental Protection Act legislation, or by civil action.

Minor – Structural movement which is minimal,

Medium – loose glazing to a ground floor window on to a yard area, a few loose ridge or roof tiles to a property with only one storey, structural movement which is continuing, loose cladding to ground floor and on to yard area, sagging roof structure.

Major – loose glazing and frames above ground floor and on to public highway, ongoing serious structural movement with prospect of collapse, evidence of a number of ridge or roof tiles already displaced to properties above one storey, significant roof structure movement, loose brickwork to chimney or loose chimney pots to properties above one storey in height.

Q7 Disrepair Affecting/Damaging Adjacent Houses/Properties

Is there a current problem, which affects other property?

No = 0, Minor = 1, Medium = 2, Major = 3

These will be defects at the empty home, which currently affect a neighbouring building in a physical manner. Such defects are the kinds, which would probably be actionable under Public Health legislation, or by civil action.

Minor – a leaking overflow pipe dripping into the yard of an adjacent property.

Medium – a blocked or leaking gutter causing occasional back-up or overflow onto an adjacent building, likely to cause physical deterioration to the fabric in the long term.

Major – a serious gutter defect, or a holed roof near a party wall, likely to cause actual physical deterioration to the fabric of an adjacent building, in the short to medium term (dampness, penetration, pointing washing out, etc).

Q8 Does the property have gardens, which are untended and unsightly?

No = 0, Minor = 1, Medium = 2, Major = 3

The visual impact the gardens can have on the general street scene. Overgrown hedges, unpruned trees, and prolific weed growth, etc. Consider front and back separately. Allow for seasonal variations, and whether there is some occasional maintenance or not. Take account of the property's situation in relation to other properties, passers-by, and how easily seen it is.

Rubbish is not included here (see Q11).

Minor – untidy and untended rear garden, mainly seen by neighbours and visitors.

Medium – front garden untidy and untended, seen by neighbours, visitors, and some passers-by.

Major – front garden untidy, untended, hedge overgrown, seen by all, including significant number of passers-by.

Q9 Rubbish Dumping

Are there problems with accumulations of rubbish or fly tipping?

No = 0, Minor = 1, Medium = 2, Major = 3

Rubbish on the site, either in the garden/yard, or in the house itself. Consider both front and back. The cause or source of rubbish is not relevant, but the material, amount, and frequency will be.

Minor – isolated incident(s) of inert material in the garden (e.g. small pile of building materials).

Medium – several examples of inert material, or isolated incident of putrescent (e.g. bin bag of kitchen waste).

Major – frequent incidents of general rubbish dumping, an ongoing problem.

Q10 Are the walls and fences effective, and suitable, for the purpose?

No = 0, Minor = 1, Medium = 2, Major = 3

The effectiveness and dilapidation of fences, railings, walls, and gates. Consider both front and back. Are they generally sufficient to discourage children from straying on to the site? Consider if the boundaries define an area, which is obviously intended to be private and restricted.

Minor – no gate, some low walls on highway boundary, and/or lack of party boundaries.

Medium – some low walls and/or missing fences on highway boundary, allowing some areas of unobstructed “walk-in” access.

Major – missing or non-existent boundaries to highway, allowing general “walk-in” access.

Back-to-backs entered straight off the pavement should always score “0”.

Q11 Does the house itself impact negatively on the general street scene?

No = 0, Minor = 1, Medium = 2, Major = 3

The general visual impact of the house itself, and its curtilage. Consider both front and back, taking into account of the disproportionate effect each can have, depending on situation and aspect. Take account of nearby houses and how the empty property compares. A poor visual appearance counts for much less if other houses and buildings in the vicinity are in a bad state.

The conditions of paintwork and wall facades, broken, missing or boarded-up windows and doors, unsightly roof coverings, dilapidated fences, walls and gates, can all impact badly on the area. Graffiti is also considered here.

Minor – flaked condition of painting on a front elevation, in view from the street, in an area where the other houses are generally well maintained.

Medium – ground floor windows boarded up on the front, in view from the street, small amount of graffiti. Serious dilapidation to the rear, but only visible from one property at the rear. Other houses are generally in better condition.

Major – several windows to front and rear broken, collapsed fence panels, all visible from front street and rear access road. Most other houses are reasonably well maintained, although a few have fences in need of repair.

Q12 Level of Response from owner

None = 4, Poor = 3, Pessimistic = 2, Optimistic = 1, Good = 0.

Judgement based on any experiences of staff dealing with or contacting the owner.

None – owner has not been traced, or if traced, no response has been forthcoming.

Poor – minor response only, but no evidence to encourage the belief that co-operation is likely.

Pessimistic – responses may have been initially positive, but appear to have no substance, as the owner fails to keep promises or carry out stated intentions.

Optimistic – owner has responded well at times, and appears to be serious about dealing with the property. Some evidence that they are able and capable of taking some action.

Good – owner usually responds well, and may usually deal with certain issues at the property, once drawn to their attention.

APPENDIX 4

Legal powers

Action Against	Legislation	Action Available	Explanation	Department
Unsatisfactory housing conditions. (e.g. where a category 1 or 2 hazard has been identified under the Housing Health and Safety Rating System.	Housing Act 2004	Serve an Improvement Notice. Declare a clearance area. Emergency Remedial Action. Emergency Prohibition Order.	Council have a duty to eliminate Category 1 hazards and a power to reduce category 2 hazards to an acceptable level. This is done by the service of various notices.	Private Sector Housing Division.
Property to be in such a state as to be a nuisance. (e.g. leaking roof or gutters causing dampness to neighbouring property).	Environmental Protection Act 1990	Serve an abatement notice	The Council has a duty to take steps to abate a statutory nuisance.	Private Sector Housing Division.
Property open for unauthorised access or likely to suffer from vandalism, arson or similar.	Local Government Miscellaneous Provisions Act 1982.	Serve Notice	Requirement for the owner to secure the property or allows the Council to secure in an emergency.	Private Sector Housing Division. Environmental Services.
Accumulations of rubbish deemed to be a statutory nuisance.	Environmental Protection Act 1990	Serve an abatement notice	The Council has a duty to take steps to abate a statutory nuisance.	Environmental Services.
Buildings or structures that are dangerous, seriously detrimental to the neighbourhood because of their ruinous and dilapidated nature.	Building Act 1984	Serve Notice	Requirement for the owner to undertake works to make safe, to repair or works of restoration or demolition. In an emergency the Council can make safe.	Private Sector Housing Division Engineering & Transport Division.
Long-term vacant properties where the owner is unwilling to co-operate in bringing the property back in to use or where the owner is absent.	Housing Act 1985	Compulsory Purchase Order	Allows the Council to acquire the property so that the property can be returned to use.	Private Sector Housing Division.
	Housing Act 2004	Empty Dwelling Management Order	Allows the Council to take over the management of the property so that it can be returned to use.	Private Sector Housing Division.

	Law of Property Act 1925		Allows the Council to enforce the sale of a property to recover costs placed as charges against a property.	Private Sector Housing Division.
Unightly land or property adversely affecting the amenity of the area.	Town & Country Planning Act 1990	Serve Notice	Requirement for the owner to take action against the unsightly external appearance of the property or the land.	Planning Services.
	Building Act 1984	Serve Notice	Requirement for the owner to undertake works of restoration or demolition.	Private Sector Housing Division. Engineering & Transport Division.
Vermin present or there is a risk of the attracting of vermin which may detrimentally affect peoples health.	Prevention of Damage by Pests Act 1949	Serve Notice	Requirement for the owner to take steps in respect of the prevention and eradication of vermin and works to prevent vermin harbourage where there is evidence of infestations.	Environmental Services.
Action Against	Legislation	Action Available	Explanation	Department
Blocked or defective drains or sewers.	Building Act 1984	Serve Notice	Requirement for the owner to remedy blocked or defective drains.	Environmental Services.
	Public Health Act 1961	Serve Notice	Requirement for the owner to remedy defective drains or private sewers.	Environmental Services.
	Local Government Miscellaneous Provisions Act 1976.	Serve Notice	Requirement for the owner to remedy blocked private sewers.	Environmental Services.

FEEDBACK

**If you would like to comment on our
Policy, please write to or e-mail the
address shown below**

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