

Oxford City Council
Empty Property Operational Strategy (Private Sector)

2009 -2012

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Empty Property Operational Strategy

1. Introduction

1.1 Empty properties and land are a wasted resource and can have a detrimental impact on neighbours and the locality. Empty properties not only restrict housing supply, they can also detract from the quality of the local environment and cause significant problems for local residents. Poorly maintained empty properties attract vermin, cause damp and other problems for neighbouring properties and are magnets for vandals, squatters, drug dealers and arsonists.

1.2 Oxford City by its nature has a diverse demand for housing in all tenures, including, student accommodation, second homes, housing for key workers, rented accommodation for those living and working within the City, privately owned and Council stock. The high demand for housing from a growing population and increasing numbers of households combined with a severely restricted bank of land to develop housing on has led to acute problems of affordability in all tenures, a homelessness crisis and unprecedented demand for affordable rented housing.

1.3 With housing and land in short supply and at a premium, it is necessary to ensure that any property that becomes empty does not remain so and that derelict land is utilised. In response to this the Council appointed an Empty Property Officer on a part time basis in 2005 to deal with vacant properties within the private sector.

1.4 This is the first Empty Property Strategy to be adopted by Oxford City Council. The Strategy's aims and objectives link into the Council's corporate plan and strategic aims, and are an essential element of the Housing Strategy and the Private Sector Housing Renewal Strategy. Consequently, the Strategy is one of a suite of strategies that are being developed to cover a range of housing priorities within the City.

1.5 The Strategy encompasses the Communities and Local Government Department's (CLGs) 'Homes for the Future: More Affordable, More Sustainable - Housing Green Paper' considering all the issues which effect housing in the private sector, including empty homes.

1.6 The development of an Empty Property Strategy was one of the recommendations of the Audit Commissions inspection of Strategic Services.

2. What is an empty property under this strategy?

2.1 The definition of an empty property for the purpose of this strategy is, a property that has been unoccupied for more than six months. The target property under this strategy is a residential dwelling and includes,

- Single-family dwelling houses
- Flats

- Houses used for multiple occupation
- Residential accommodation over/adjoining commercial property

2.2 However, all empty properties brought to the attention of the Council, including commercial properties, will be assessed, recorded and where necessary advice will be given and appropriate action taken.

2.3 There are instances where a dwelling has been unoccupied for more than six months but which, due to certain circumstances, would be exempt from intervention by the Council under the Housing Act 2004 (empty dwelling management orders). They are listed in appendix A.

3. Aims and Objectives

3.1 The aim of the empty property strategy is to,

Introduce a range of measures that will,

- Prevent empty properties from becoming long term empty
- Bring empty properties back into use
- Encourage affordable housing, affordable warmth and sustainable development
- Improve the environment

3.2 The objectives of the strategy are,

1. To raise public awareness of empty properties through the Council's website, promotions and articles.
2. To maintain records on empty properties in Oxford City and monitor trends.
3. To provide positive support to owners and people within the community affected by empty properties
4. To be proactive through enforcement action where owners are unable to, or will not, bring a property back into use.
5. Develop effective working relationships between internal departments in order to be proactive through enforcement.
6. Develop effective working relationships with the private sector and representative bodies such as registered social landlords, housing associations and housing cooperatives.
7. Be aware of, and react to the potential to maximise the use of an empty property and land through development where appropriate.
8. Help identify wider implications of empty properties in Oxford City and carry out relevant research.

9. To ensure that targets set by both Oxford City Council and the Government are met.

4. Facts and Figures

4.1 Information provided by Oxford City Council's council tax database for the 1st April 2009 identifies the following,

- Total dwellings with council tax live banding: 57,638
- Empty Properties (dwellings) 2720

4.2 Empty Properties are further broken down into three categories,

I. Long Term Empty	717
II. Short Term Empty (less than 6 months)	915
III. Second Homes	1088

4.3 Since 1st April 2006 the number of empty properties in Oxford City has increased from 2444 to 2720.

4.4 Second homes and student accommodation whilst not necessarily empty for long periods can be viewed as under use of a dwelling and therefore impact on housing potential within the City.

4.5 Information obtained from the housing database identifies, 3830 households on Oxford City Council's housing register for housing within the City; of the 3830 households 324 are persons registered as homeless.

4.6 To date and since the appointment of the empty property officer,

- 130 empty properties have been recorded and investigated
- 30 have been brought back into use,
- 2 properties have been sub-divided providing 5 units of accommodation
- 1 substantial property containing nine flats is currently undergoing renovation and two additional units of accommodation are being added.
- 5 Planning applications have been made in respect empty properties which, have the potential to provide a further 31 units of accommodation of varying sizes.

4.7 Some dwellings identified by Council Tax as long term empty may now be occupied. It is not known exactly how many dwellings are unoccupied within the City and which, without intervention, may continue to remain so. A 'door to door' survey is required in order to provide a precise picture of Oxford City's empty properties.

5. Target Group

5.1 Whilst all empty properties brought to the Council's attention will be investigated priority will be given to those properties considered to be under the following categories and in that order.

- (a) Empty properties causing a nuisance due to, condition and/or associated anti-social behaviour
- (b) Empty properties which have been unoccupied for more than 1 year
- (c) Empty properties which have been unoccupied for more than 6 months

5.2 The strategy will focus on those properties when intervention is appropriate, reasonable, proportionate, and in the case of dwellings, where reoccupation is likely. See appendix B for the procedure used to bring empty properties back into use.

6. Enforcement Powers

6.1 The Council has a range of enforcement powers to deal with issues arising from empty properties. These include, statutory nuisance, disrepair, pests, ruinous and dilapidated condition, adverse impact on the amenity, properties open to access, empty property management, compulsory purchase and enforced sale. Legislation under which the Council can act is listed in appendix C.

6.2 The strategy makes it explicit that the full range of enforcement powers will be used in the proper circumstances. This includes statutory notices; work in default, criminal proceedings, and civil remedies and in cases of last resort management orders, enforced sale, and compulsory purchase.

7. Costs

Expenditure

7.1 In most cases where intervention is required there can be cost implications for example,

- 1) Works in default following failure to comply with a notice.
- 2) Securing of a property where access is possible.
- 3) Criminal proceedings including application for warrants to gain entry
- 4) Specialist contractors when entering under warrant.
- 5) Management Orders.
- 6) Works required to bring a property up to a habitable standard following a management order being granted.
- 7) Compulsory purchase.
- 8) Enforced sale.

Recovery

7.2 In most instances costs can be recovered by a charge against the owner and the property. If the owner is unable to, or unwilling to repay such costs the Council have the option to consider either Compulsory Purchase or Enforced Sale.

7.3 Enforced sale allows the Council to recover its costs if a local land charge has been placed on a property following works in default and where the owner cannot or will not repay the debt. Any other charges against the property including Council Tax debt may also be recovered. The advantages are,

- a) it is quicker than Compulsory Purchase
- b) it is useful to adopt in areas of high demand and where repair costs are prohibitive
- c) the Council can recover any debts including officer time (survey, solicitor and marketing costs) and interest.
- d) it avoids the need to own the property and therefore manage it.
- e) it is a public message of zero tolerance towards unsightly, unsafe and empty properties.
- f) the property is likely to be brought back into use following the sale.

7.4 Departments likely to incur cost are, Community Housing and Community Development, Environmental Development, City Development and Local Taxation.

8. The future

8.1 The Empty Property Officer, under the Community Housing and Community Development manager, will continually look to find best practice throughout the UK and develop the approach set out in this strategy. There are no direct revenue consequences in broadly meeting the aims of the strategy but full implementation will depend on additional resources being made available in support of detailed surveys of empty properties and formal action taken.

8.2 It is intended that the strategy will be active, growing and evolving as further work to tackle the issue of empty property and land takes place. The strategy will be reviewed annually to assess whether amendments and additional resources may be required.

9. Action Plan

Objective	Action	Who	Target Date
Raise public awareness	a) Produce information and advice leaflet b) Prepare publicity campaign using press, media and promotion c) Develop internet web page for empty properties	Empty Property Officer, Community Housing,	a) September 2009 b) September 2009 c) September 2009

Proactive enforcement against the target group	<p>a) Form empty property working group to ensure use of full range of enforcement options against target group</p> <p>b) Develop and implement protocol for enforced sale</p> <p>c) Develop protocol for management orders</p>	<p>Head of Service Community Housing, Head of Service Environmental Development, Head of City Development Planning and Building Control and Council Tax Manager Local Taxation.</p>	<p>b) September 2009</p> <p>b) August 2009</p> <p>c) August 2009</p>
Effective working relationships with internal departments	<p>a) Promote the strategy internally through officer working groups and by engaging members</p>	<p>Planning, Environmental Development, Local Taxation, Building Control and Community Housing</p>	<p>August 2009</p>
Carry out relevant research	<p>a) Obtain more accurate and detailed information about empty property position in the City</p> <p>b) Surveys of, accommodation above shops, buy to leave properties, repossessions and other causes of empty properties.</p>	<p>Empty Property Officer Community Housing, and Council Tax Manager</p>	<p>a) April 2010</p> <p>b) April 2010</p>

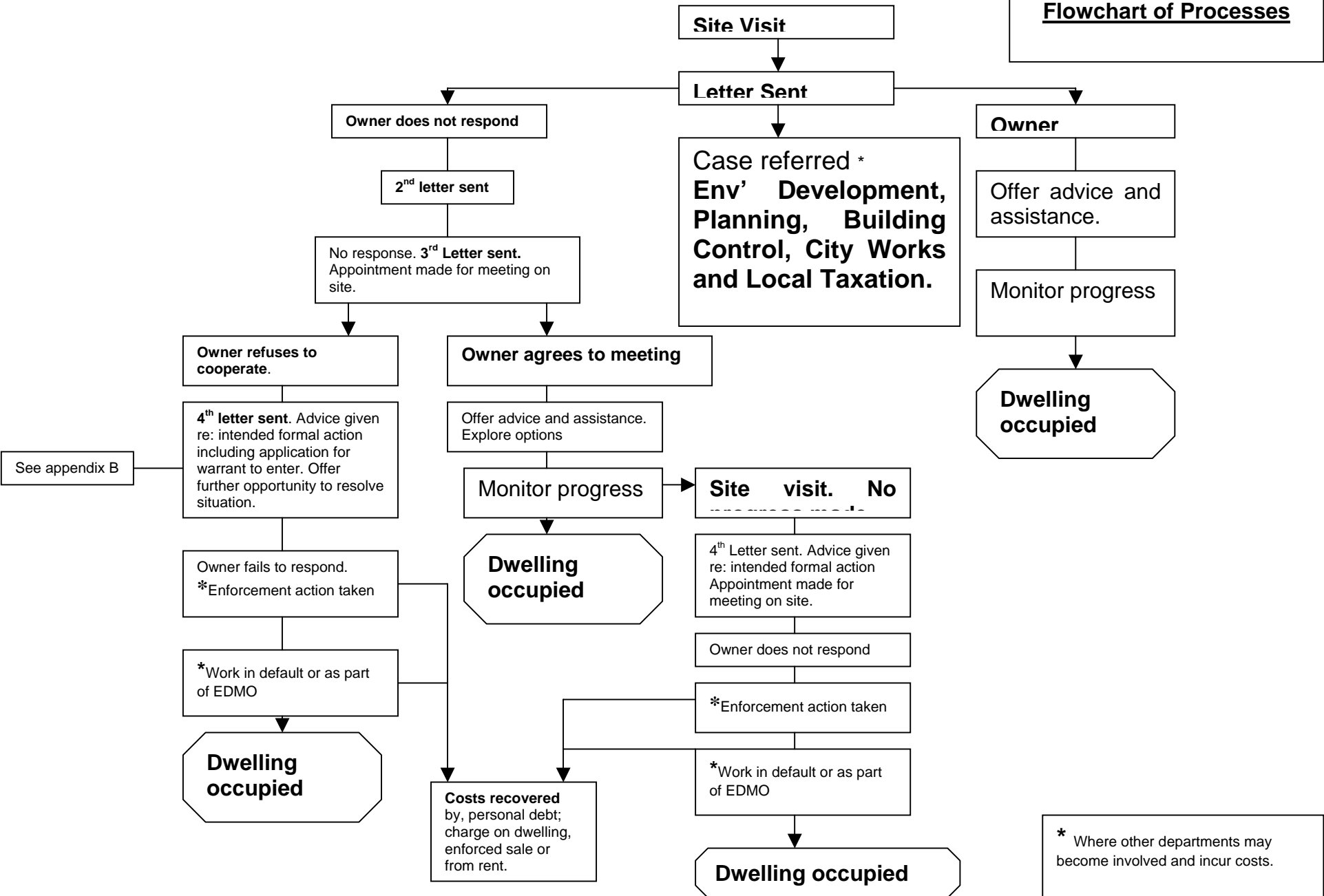
Empty Dwelling Management Orders do not apply to:

- Any property empty for less than six months (but in practice most cases will involve properties empty for several years).
- A person's only or main home if they are:
 - temporarily living elsewhere (e.g. working away from home);
 - being cared for or caring for someone away from home.
- Second homes and holiday homes.
- Properties that are in the process of being sold or let.
- Properties that are going through probate or where probate was obtained within the previous six months.
- Usually occupied by an employee of the relevant proprietor in connection with the performance of his duties.
- For occupation by a minister of religion as a residence from which to perform his duties.
- The property frozen subject to a court order
- The property is subject of criminal proceedings
- Mortgagee has entered into and is in possession of the dwelling

Procedure to bring Empty Dwellings back into use.

Empty Dwelling > 6 months

Appendix B
Flowchart of Processes



Appendix C

Legislative Framework

Building Act 1984

Clean Neighbourhoods and Environment Act 2005

Environmental Protection Act 1990

Housing Act 2004, Empty Dwelling Management Orders/Housing Health and Safety Rating system.

Housing Grants, Construction and Regeneration Act 1996

Land Compensation Act 1973 Compulsory Purchase

Law and Property Act 1925 s-103 Enforced Sale

Local Govt and Housing Act 1989

Local Govt' (Miscellaneous Provisions) Act 1976

Local Govt' (Miscellaneous Provisions) Act 1982

Prevention of Damage by Pests Act 1949

Public Health Acts 1936 and 1961

Regulation of Investigatory Powers Act 2000

Town and Country Planning Act 1990 S215 Land adversely affecting amenity.