

Empty Homes Policy

Torbay Council

2022

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1 Purpose of the policy

The purpose of this policy is to reduce empty homes through a range of measures, including support and enforcement. It complements our Housing Strategy by supporting objectives such as meeting housing need, improving housing conditions and preventing homelessness.

The policy also supports other corporate projects such as the Community and Corporate Plan 2019-2023 to 'improve the delivery, affordability and quality of housing', 'regenerate and re-invent our town centres' and to 'encourage a sustainably developed built environment.

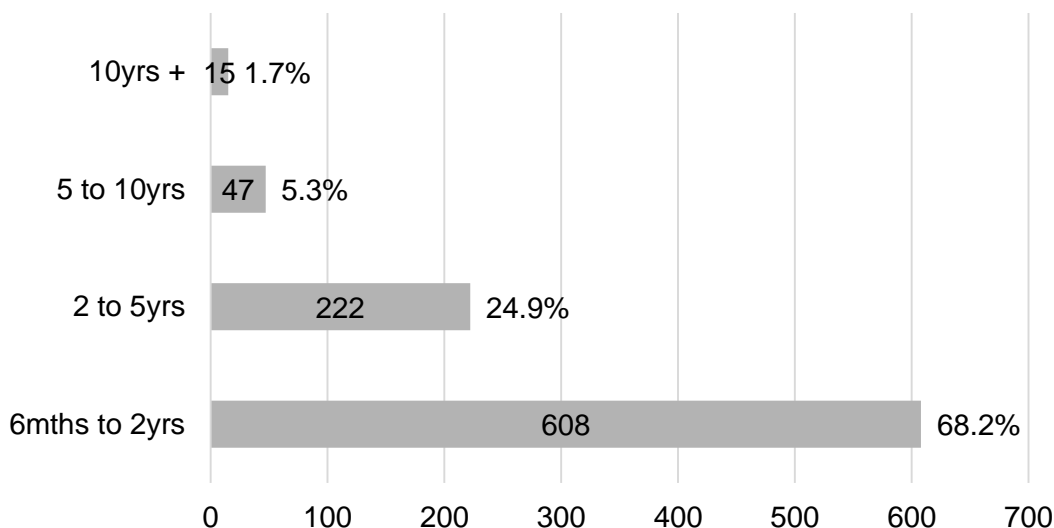
2 Overview

Homes may become empty for several reasons; in most cases they are empty for a temporary, short-term situation, for example awaiting sale, letting, or being renovated prior to occupation.

Homes empty for under 6 months will often come back into use without any Council intervention, yet some may take longer, depending on the financial and personal circumstances of the owner. These circumstances must be taken into consideration by the Council as they have a direct influence on whether the property is brought back into use in a timely fashion.

As of October 2021, 892 dwellings in Torbay were empty for longer than 6 months. This represents 1.4% of Torbay's total housing stock.

Torbay empty homes by time vacant, 2021



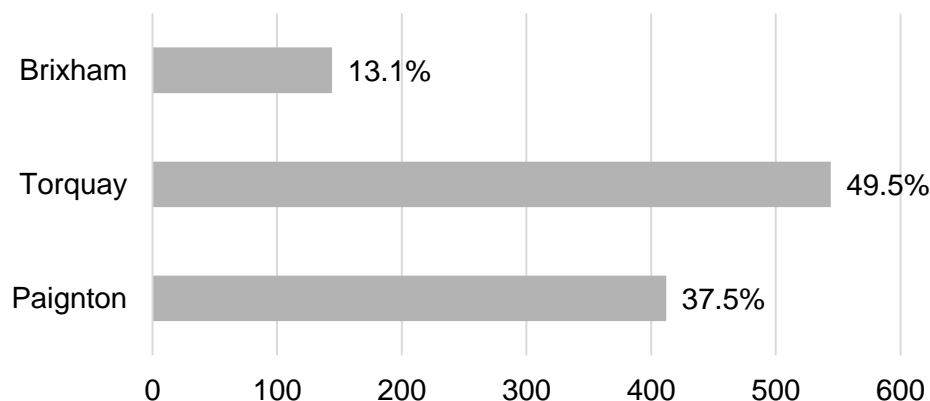
Source: C Tax Accounts - Open Revenues System, 2021

Longer term, empty homes are of interest to the Council because they are a wasted resource and can sometimes be in a dangerous state, detrimental to the street scene, or a source of serious

nuisance to those who live near them, for example harbouring vermin, or by being used for anti-social activities.

A long-term empty home is defined as 'an unoccupied property for a period of six months or more'. This is a working definition, and a property may be deemed to be unoccupied where any use is transitory, or intermittent. In these situations, each case will be assessed individually.

Empty homes by area, 2021



Source: C Tax Accounts - Open Revenues System, 2021

3 Aims and objectives of the policy

The aim of our empty homes policy is to reduce the number of long-term empty homes by returning them back into use and discouraging owners from leaving properties empty. This ensures the effective use of the housing stock in Torbay, whilst reducing the negative impacts on the local area.

The objectives of empty homes policy are as follows:

1. A targeted methodology to bringing empty homes back into use
2. Adopting a proactive approach towards long-term empty homes, taking enforcement action where necessary
3. Where appropriate, offer assistance to help bring homes back into use

This policy does not affect the Council's statutory obligations and duties. For the avoidance of doubt the Council will continue to act where appropriate and necessary to fulfil its statutory functions, for example in relation to statutory nuisance, or dangerous structures.

4 Meeting our aims and objectives

In bringing empty homes back into use it is recognised that there is a need to work both on a proactive and reactive basis. A co-ordinated approach across all departments within the local authority is paramount in the success in bringing empty homes back into use and it is recognised that there is no single solution that will resolve problems associated with empty properties.

4.1 A targeted approach to bring empty homes back into use

The Council will work directly and assertively with owners of properties empty between 6 months and 2 years by encouraging them and providing tools and mechanisms to bring their property back into use.

Empty properties will be prioritised for action using a scoring system across the following criteria:

1. Length of time empty
2. High profile location
3. Complaints from neighbours
4. Social impact
5. Poor housing conditions
6. Structural issues
7. Potential nuisance
8. Security of property
9. Impact towards New Homes Bonus
10. Willingness of owner to cooperate to bring property back into use
11. Likely to be brought back into use without assistance, or enforcement
12. Council Tax debts
13. Leased as affordable housing when back in use

Appendix 2 – Empty property priority assessment form

It should be noted that the assessment form is a tool used to assist assessing the impact of long-term empty homes and prioritising action. Each property will be analysed individually having regard to its circumstances and appropriate action taken based on detailed individual analysis.

Across all targeted work, owners will receive frequent contact from the Council. Standard letters, including a link to our website for help, will include information on VAT relief, loans and grants, advice for those considering letting, legislative requirements and referral to the Council's Housing Options Team who offer free tenant finding.

A proforma is also sent for owners to complete to inform the Council of what action is being taken to bring the dwellings back into use, the likely timescales for occupation and any reasons for delays.

From the information received and the priority assessment it will be determined whether assistance is required, or whether to escalate a particular case for enforcement.

Where owners do not respond, and there is no evidence to suggest that they are taking action, or where the property has been identified as 'high priority', a proactive approach will be adopted and the most appropriate enforcement action will be considered to bring dwellings back into use.

4.2 A proactive enforcement policy

Based on information received and the priority assessment tool, a proactive policy will be adopted toward empty properties. The following enforcement options will be considered and implemented where necessary to ensure that the property is brought back into use:

1. Securing empty property – Notice to secure a property that is open to access, where it is evident that intruders are gaining access.
2. Improving housing conditions –Improvement notice, to secure the removal of hazards.
3. Eradication of vermin- notice to clear any land of vermin and remove waste/deposits/accumulations likely to attract vermin
4. Abatement of a nuisance – Notice to abate a statutory nuisance, such as an accumulation, or deposit that is prejudicial to health or a nuisance
5. Safety of empty homes –Notice to make a property safe or allow emergency action to be taken to make it safe. Notice to make satisfactory provision for drainage where it is not currently in place, including sewers, drains and rainwater pipes that are currently in disrepair or missing
6. Unsightly condition of empty home and adjoining land – notice to address unsightly land or external appearance of a property
7. Empty Dwelling Management Order - to take control of the management of an empty property, carry out necessary works to secure its occupation and to let to tenants for a set period

For each property, the range of enforcement actions will be considered, working collaboratively across Council departments to make sure that the particular circumstances of each case are considered. Where appropriate, regard will be made to the Council's Housing and Planning Enforcement Policies.

www.Torbay.gov.uk/housing-standards-enforcement-policy

www.Torbay.gov.uk/planning-enforcement-policy

Where enforcement action has been taken, that allows for works to be carried out, the Council may undertake any necessary works and recharge the owner, including any charges, as detailed in the Council's Housing Enforcement Policy. Where monies are not paid accordingly, the Council may be able to recover the costs in some cases by enforcing the sale of the property.

It is recognised that many of the enforcement tools address the consequences of long-term vacant dwellings, for example nuisance, impact on the street scene etc. They may not address the underlying issues causing long-term vacancy. In other cases, remedial action may be taken by the owner, but if this is not sustained the property may fall back into disrepair and problems continue.

The Council would continue to work with owners to make sure that a long-term empty home is brought into use by agreement. However, where that is not achieved, or is not reasonably achievable within an appropriate timescale, the use of compulsory purchase powers will be considered to acquire the property and ensure it is brought back into use. Examples where this may be the case include the following:

1. Ownership is unknown
2. The owner is unwilling, or unable to act
3. Any action taken by the owner is inadequate, or ineffective to resolve the issues
4. The action taken by the owner does not result in occupation
5. The property falls again into disrepair and/or problems, or issues continue
6. Any action taken does not address the consequences of vacancy for other reasons

Taking other enforcement action is not necessarily a pre-condition to considering, or taking compulsory purchase action and in some cases, it may be appropriate to consider compulsory purchase of a long-term empty home, even though the criteria in section 4.1 are not met. The overriding aim of this Policy is to ensure occupation of long-term empty homes. The Council will always endeavour to achieve this by agreement first.

Details of the Council's procedure including timescales for action for all work on empty homes can be found in Appendix 4.

[Appendix 4 - Empty homes procedure](#)

4.3 Reporting of empty properties

Members of the public can advise the Council of dwellings that are empty.

The Council will determine why the property is empty using the Council Tax information available and will carry out a risk assessment to determine if action will be taken.

[Report an empty home – Torbay Council](#)

4.4 Financial assistance

The Council will work proactively with partners to deliver the Empty Homes Policy and ensure funding is maximised to reduce the number of empty properties. The Council will look to work in partnership to offer low-cost loans to assist owners of empty homes to carry out any necessary repairs, or improvements to enable the property to be brought back into use. Loans would be repaid once the property has been let, occupied, or sold and monies recycled back into the loan scheme. Furthermore, schemes such as ‘purchase and repair’ will be explored, whereby dwellings are brought back into use, assisted through Homes England grants and Council contributions to increase social housing stock.

4.5 The National Fraud Initiative (NFI)

Torbay Council will look at information under the National Fraud Initiative (NFI). Each year the Council uploads its Council Tax charge base data alongside other data streams, such as the Electoral Roll, Insurance claimants, payroll data etc. This is a mandatory exercise for all local authorities overseen by the Cabinet Office. The NFI then uses algorithms to identify properties where there has potentially been a change in occupancy for review. If records suggest that the status of the dwelling does not match Council Tax records, we will make enquiries at the property.

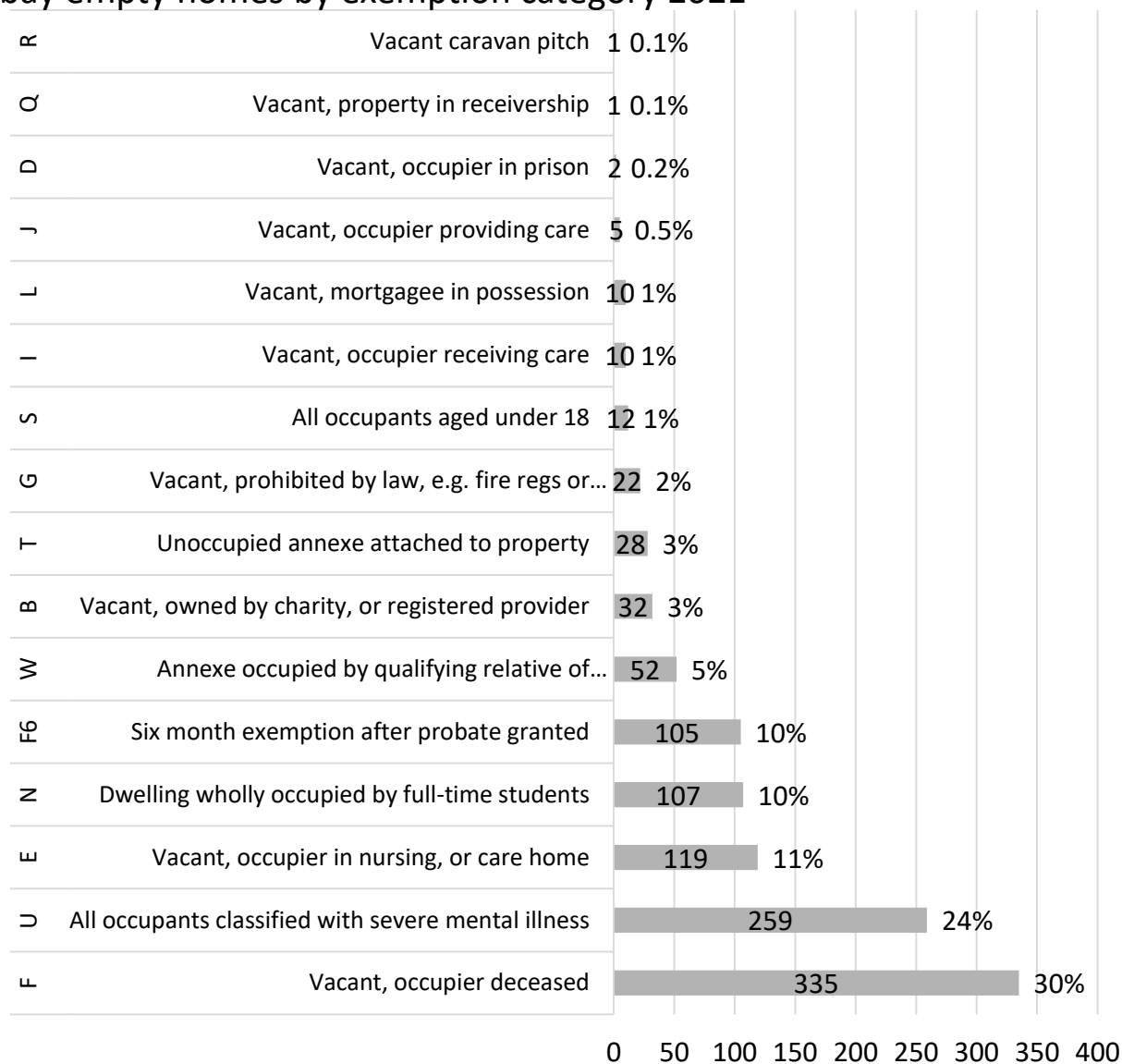
[National Fraud Initiative - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

5 Dwellings exempt from Council Tax payment

Depending on the liable person’s circumstances an empty property may be exempt from paying Council Tax. Empty homes are classified by the Council, depending on why and how long they have been left empty. Classifications include people in hospital or receiving care, unresolved ownership matters, usually following a death, as well as financial matters, such as bankruptcy.

In Torbay the majority of empty homes exempt from Council Tax are due to the recent death of an owner, establishing the validity of a will, or the owner having to be moved into care. These are obviously troubling times for bereaved, or concerned relatives, so engagement must be handled sensitively and with care.

Torbay empty homes by exemption category 2021



Source: C Tax Accounts - Open Revenues System, 2021

[Appendix A: Council Tax exemption categories](#)

5.1 Council Tax premiums

To encourage owners to bring properties back into use Torbay Council charges full Council Tax allowable under the law on properties from the day they become empty. However, additional premiums are applied once properties, falling outside of exemption categories, have been empty for over 2 years.

Additional empty property premiums are charged on a sliding scale, depending on how long the property has been empty:

- 2 years + twice the annual charge (100% premium)
- 5 years + three times the annual charge (200% premium)
- 10 years+ four times the annual charge (300% premium)

The empty homes premium is placed upon the property, not ownership, therefore, any transfer of ownership does not affect the date the premium charge becomes due. For example, if a property has already been empty for more than 2 years on the date purchased, the new owner will have to pay the accumulated premium from the date of purchase.

[Unoccupied, empty and uninhabitable - Torbay Council](#)

6 New homes bonus

The New Homes Bonus (NHB) is a grant paid by central government to local councils to reflect and incentivise housing growth in their area. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

The New Homes Bonus is a non-ring-fenced payment for every home added to the Council Tax register, after deducting recent demolitions. For each home returned to use, the Government pays an amount equivalent to the national average for that home's Council Tax band every year for 4 years.

The calculation in determining if a local authority qualifies for NHB and how much, is a complex one. Councils receive a bonus based on the number of new properties brought into use, where they have been registered in the council tax charge base as empty for more than 6 months, based on the national average of a band D property. Therefore, as a Council with high proportion of its homes within bands A and B a higher proportion of properties need to be identified to achieve the bonus.

It should be noted, however, that the current New Homes Bonus Scheme is being wound down this year and the government consultation held last year did not provide any precise proposal on a future scheme.

[New Homes Bonus - Practitioner Guide](#)

Appendix 1 - Properties exempt from paying Council Tax

Class B - A property owned by a charitable body, including registered providers, that has been unoccupied for less than six months.

Class C - a dwelling that is unoccupied and that is substantially unfurnished

Class D - An unoccupied property where the liable person is held in detention.

Class E - An unoccupied property where the liable person has gone to live in a care home.

Class F - An unoccupied property where a person is acting as a personal representative of someone who has died and either no grant of Probate or Letter of Administration has been made or less than six months have passed since the day on which such a grant was made.

Class G - An unoccupied property where occupation is prohibited by law.

Class H - An unoccupied property awaiting occupation by a Minister of Religion from which to perform his/her duties.

Class I - An unoccupied property where the liable person has his/her sole or main residence in another place to receive personal care because of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder.

Class J - An unoccupied property where the liable person is now solely or mainly resident elsewhere to provide personal care for the reasons mentioned in Class I.

Class K - An unoccupied property where the liable person is a student and this was his/her previous sole or main residence.

Class L - An unoccupied property where the liable person is the mortgagor (borrower) and the property has been repossessed by the mortgagee (lender).

Class M - Halls of residence providing accommodation for students.

Class N - A property wholly occupied by students or school leavers.

Class O - A property owned by the Secretary of State for Defence and is held for the purposes of Armed Forces accommodation.

Class P - A property where the liable person is a member of visiting forces.

Class Q - An unoccupied property where the liable person is acting in a capacity of a Trustee in Bankruptcy.

Class R - An unoccupied caravan pitch or boat mooring.

Class S - A property occupied only by a person or persons aged under 18.

Class T - An unoccupied annexe to an occupied property which may not be let separately without a breach of Planning Control within the meaning of Section 171A of the Town and Country Planning Act 1990.

Class U - A property occupied only by person(s) who are severely mentally impaired, or by student(s) who are living with severely impaired person(s) and who would (under normal circumstances) be liable to pay the Council Tax.

Class V - Main UK residence of a visiting diplomat.

Class W - An annexe or similar self-contained part of a property occupied by a relative of the other occupants who is over the age of 65 or severely mentally impaired or substantially and permanently disabled. (Effective 1 April 1997).

The Council Tax (Exempt Dwellings) Order 1992 (legislation.gov.uk)

Appendix 2 – Empty property priority assessment form

The following criteria will be assessed and scored to prioritise empty homes that need to be brought back into use:

1 Length of time empty

Under 6 months	0
6 months – 12 months	5
12 months to 2 years	10
2 years, or more	20

2 High profile location

Yes	10
No	0

3 Complaints from neighbours

Yes	10
No	0

4 Social Impact

Appearance, inc garden	10
Vermin	10
Fly tipping	10
Anti social behaviour	10
Squatters	10

5 Poor housing conditions, likely to have a category 1 hazards

Yes	10
No	0

6 Structural issues

Yes	10
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No 0

7 Property causing a statutory nuisance

Yes 10

No 0

8 Property secure

Yes 0

No 10

9 Would intervention result in additional New Homes Bonus?

Yes, 1 unit 10

Yes, 2 + units 20

No 0

10 Owner co-operative

Yes 0

No 10

11 Likely to be brought back into use without assistance / enforcement

Yes 0

No 10

12 Council Tax debts

Yes 10

No liability 10

No 0

13 Leased as affordable housing

Yes 20

No 0

Appendix 3 - Incentives for owners of empty homes

1 Financial Assistance

Low costs loans may be offered to assist owners of empty homes to carry out any necessary repairs, or improvements to enable the property to be brought back into use. Loans would be repaid once the property has been let, occupied, or sold and monies recycled back into the loan scheme.

Example: www.lendology.org.uk

2 VAT reduction

VAT is chargeable at a reduced rate for works to bring long term empty properties back into use.

The Councils' Empty Homes Officer can provide a letter confirming the relevant date that is acceptable by HMRC.

Unoccupied	VAT chargeable
2 years +	5%
10 years+	0%

[Buildings and construction \(VAT Notice 708\)](#)

3 Landlord Training Courses

Torbay Council may offer training courses to both new and experienced landlords to provide landlords with the skills required to set up, manage and end a tenancy, ensuring that all legal requirements are met.

[How to let – GOV.UK](#)

4 Housing Options Team - Tenant finding and rent support service

This provides a free service to help landlords prepare properties for let including an inspection to ensure that they are free from hazards under the Housing Act 2004, collating relevant legal certification/documentation, and introducing tenancy ready families to landlords. Tenants are assisted with benefit applications and support is provided to both tenants and landlords to ensure that tenancies are sustainable.

Appendix 4 - Empty homes procedure

1 Letter 1

An advice letter, automatically generated from Council Tax records is sent to:

Outline importance of bringing empty homes back into use

Demonstrate the support the Council can provide

Request the completion of the occupation status proforma to ascertain intentions and timescale.

Timescale: 3/4 weeks

2 Letter 2

A reminder letter to complete the occupation status proforma.

Timescale: 3/4 weeks

3 Site visit

A site visit is made and a risk assessment carried out.

Timescale: 6 weeks

4 Letter 3 – An initial enforcement letter

High priority

If we receive no response from our previous letters, a stronger letter, requiring urgent attention and identifying enforcement powers is available to the Council. Within 15 days a requisition for information will be served with the letter to confirm details of ownership. Where a visit has not been previously made, a site risk assessment is carried out.

Timescale: 4 weeks

Non-priority

A letter is sent that identifies the need to bring empty homes back into use

Timescale: 8 weeks

5 Letter 4

If still no response, the case is reviewed with other relevant departments to determine the relevant course of action and the owner is advised. If the Council is unable to gain access to a property the Council will consider using any statutory powers of entry.

Timescale: 5 to 6 weeks after letter 2

6 Commencement of works

Where an owner has commenced refurbishment works, a reasonable timescale will be given for these works to be completed. Regard will be given to the works being carried out, but where works are minor then, where practicable, a 4 month maximum would be deemed reasonable.

Where works have commenced, but there is no clear progression to completion, or reasons for delays are unreasonable, it will be necessary to explore the legal options available and regard will be made to the Council's Housing Enforcement Policy.

www.Torbay.gov.uk/housing-standards-enforcement-policy

www.Torbay.gov.uk/planning-enforcement-policy

7 Enforcement action

Following an inspection of the property, if the owner has made no attempt to carry out any works, or has not indicated a reasonable timescale when the works will be completed, or there is no clear progression to completion, the Council will determine the most appropriate enforcement action to take, as detailed in Section 4.2, including the following actions:

1. Securing the property where access can be easily gained
2. Improving the housing conditions where a category 1 hazard is likely, or the occurrence of statutory nuisance, to stop further deterioration and reduce the negative impact on neighbours
3. Eradicating the causes of vermin where there is evidence
4. Making the property safe where there is an imminent risk to health
5. Addressing unsightly external appearance
6. Enforced sale
7. Empty Dwelling Management Order

This will be in consultation with other departments within the Council to make sure that the most appropriate enforcement action is taken.

Timescale: In accordance with legal requirements

8 Compulsory purchase

Where no, or inadequate action is taken by the owner to bring a long-term empty property into beneficial use, or where ownership is unknown, the Council will consider the use of compulsory purchase powers to acquire the property. Compulsory purchase may be considered even when other, or no enforcement action is taken, as the overriding aim is to ensure that an empty property is brought back into use and compulsory purchase may be necessary to achieve this.

Contact details

If you need this information in another format, please contact us.

Email: housing.advice@Torbay.gov.uk

Web: www.Torbay.gov.uk/housing

Tel: 01803 201201

Torbay Council

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