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Our reference:
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Date: 12 July 2023

To all Members of the Communities Scrutiny Group

Dear Councillor

A Meeting of the Communities Scrutiny Group will be held on Thursday, 20 July 2023 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gemma Dennis'.

Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 16 March 2023 (Pages 1 - 8)
4. Role and Remit of Communities Scrutiny Group
The Service Manager – Neighbourhoods will provide a verbal update
5. Review of the Empty Homes Strategy and Council Tax Implications (Pages 9 - 46)
Report of the Director - Neighbourhoods
6. Work Programme (Pages 47 - 48)
Report of the Director – Finance and Corporate Services

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Membership

Chair: Councillor G Williams

Vice-Chair: Councillor L Plant

Councillors: M Barney, J Billin, S Ellis, G Fletcher, R Mallender, H Parekh and A Phillips

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MINUTES OF THE MEETING OF THE COMMUNITIES SCRUTINY GROUP THURSDAY, 16 MARCH 2023

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

PRESENT:

Councillors G Williams (Chairman), J Murray (Vice-Chairman), G Dickman, Mrs C Jeffreys, R Jones, R Mallender, F Purdue-Horan and R Walker

ALSO IN ATTENDANCE:

Councillors

OFFICERS IN ATTENDANCE:

D Burch

D Hayden

E Leddy-Owen

P Phillips

T Coop

Service Manager - Neighbourhoods
Communities Manager

Team Manager for Environment
Community Engagement

Senior Ecology and Sustainability
Officer

Democratic Services Officer

APOLOGIES:

Councillors L Healy

39 Declarations of Interest

Councillor Mallender declared a non-pecuniary interest in relation to 2.8 on the Carbon Management Plan 2022, as he is employed in the EV charging industry.

40 Minutes of the meeting held on 19 January 2023

Councillor Jones highlighted that a question raised by the Vice Chair with regards to the Youth Forum item and her suggestion of a collective group of headteachers from the secondary schools had not been addressed. The Service Manager – Neighbourhoods explained that the representative from County Council was not aware of a collective Group, however he would follow up on this and advise the Group in a separate note after the meeting.

The minutes of the meeting held on 19 July 2023 were approved and signed by the Chairman

41 Carbon Management Plan

The Communities Manager provided a brief introduction and reminded the Group on 20 March 2020, Cabinet agreed a target to become carbon neutral by 2030 from the Council's direct operations and adopt a Carbon Management

Action Plan to monitor progress against the target emissions.

The Group noted the Carbon Management Action Plan sets out how the Council will seek to drive carbon behaviour change through its policy and regulation work and to actively influence residents and businesses across the Borough.

The Communities Manager referred to the Council's Carbon Management Plan 2022, which was attached as an appendix to the report, and highlighted the 8 main themes:

1. Property Assets
2. Fleet and Transport
3. Contracts and Procurement
4. Policy and Regulation
5. Waste and Recycling
6. Operational Activities
7. Community and Business
8. Offsetting

It was noted the Carbon Management Plan was a living document which provides an action plan and overview of activities. A number of case studies were shared as an appendix from Green Grants, an energy efficiency scheme in partnership with Nottingham Energy Partnership (NEP), Eon Energy, Thrift Energy Group and the Department for Business Energy and Industrial Strategy.

The Team Manager for Environment delivered a presentation to highlight some of the projects recently completed.

Rushcliffe Country Park Net 0 Visitor Centre and Conference Suite

An innovative and enhanced amenity building, including an air source heat pump system, solar panels, EV charging point and a Changing Places site. The venue can be hired externally to create income and is being enjoyed by officers as an alternative healthy meeting space.

Bingham Arena and Bingham Enterprise Centre

Recently opened, the leisure centre has a low carbon construction, with solar electric and air source heat pump creating combined heat and power across the site. The building has a 2000 litre water harvesting tank which is used to flush the toilets providing significant savings. The Group were asked to note that Bingham Arena has a 78% Carbon reduction from a traditionally constructed leisure centre.

Rushcliffe Oaks Crematorium

Not yet completed the crematorium boasts a technically Net 0 gain through REGO (Renewable Energy Guarantees of Origin), 30kWh solar electric system to cover off the majority of the lighting and office equipment, an electric cremator, green roof and emission filtering system and biodiversity

enhancements throughout. This is an innovative approach, whilst being compassionate and respectful for all users.

The Team Manager for Environment provided the Group with details of the Local Authority Delivery 2 and the more recent Sustainable Warm Competition (LAD 3 and Heating Upgrade Grants (HUG)), advising that to date £2m had been drawn in to 77 properties identified in East Leake. The Communities Manager added that Officers looked at the worst energy rated properties across the authority with ratings of F and G and advised the Group of the shared case studies attached as an appendix to the report.

The Team Manager for Environment advised that the Council had agreed a 2 year programme to decarbonise Cotgrave leisure centre and had been awarded £1.2m from SALIX a Public Sector Decarbonisation Scheme 3b spread over years, which the Council hopes to run in line with the Council's own renovation plan for the popular family pool and leisure centre.

The Senior Ecology and Sustainability Officer advised the Group of the Council's review of ecology and sequestration projects such as no mow schemes, woodland sites and land acquisitions, including the intended development of enhanced tree planting schemes to include large landowners, and to require Biodiversity Net Gain (BNG) as a minimum standard in respect of planning legislation. The Communities Manager, added, that the Carbon Management Plan initially looks at the Council's operations, including Council owned green spaces, fleet vehicles and buildings and any changes that can be made to enhance biodiversity and benefit residents lives.

In concluding the Team Manager for Environment advised the Group of future areas to be considered, including:

- A Borough wide energy, fuel, water and transport data mapping
- Develop and retrofit decarbonisation for Rushcliffe Arena
- Work with social housing providers to maximise national grant schemes under the Social Housing Decarbonisation Fund (SHDF)
- Identify devolution opportunities and work with regional partners
- Continue to enhance biodiversity and ecology

Councillor Butler asked a specific question relating to the Local Authority Delivery (LAD) Schemes and asked whether the Council had a role to play for general private homeowners wanting to make environmental improvements to their homes and to help prevent bogus scheme operators. The Team Manager for Environment explained that the LAD schemes are joint ventures with Eon and Nottingham Energy Partnership and are generally means tested, and therefore pick out the most vulnerable households. In addition, the Team Manager for Environment steered Councillors to Cost of Living Workshops funded by the UK Shared Prosperity Fund (UKSPF), which provide helpful advice for residents on the cost of living and budgeting. The Manager for Communities expressed that the Council were focusing on its own operations in order to meet Cabinets agreed target to be carbon neutral by 20230. Members asked specific questions relating to

Councillor Walker complimented officers on the excellent work achieved at

East Leake referring to the case studies provided and asked a specific question in relation to the data used in selecting properties that might benefit from other similar schemes going forward. It was noted the properties in East Leake were social housing and how might privately owned properties benefit from LAD or similar schemes in the future. The Team Manager for Environment explained that information is gathered from national annual emissions data, a public document which provides information on property energy ratings and fuel emissions, adding that the intervention funding specifically targets those properties with an energy rating of below D. The Communities Manager explained that fuel poverty was a challenge with more and more households experiencing difficulties paying for fuel, adding that LAD2 will continue to feed through to 2050. The Group were reminded that the Council has committed to reducing its own emissions by 2030.

Members complimented officers on the excellent work achieved so far and were pleased to see a full programme of work going forward.

Councillor Jones asked had the Council considered what other authorities were doing to promote solar energy by way of collective buying schemes and quoted Kent County Council, 'Solar Together in Kent' as an example. The Communities Manager explained that the Chief Executive attends an N2 Energy Strategy Group which provides collaborative working across the D2N2 authorities, looking at opportunities and schemes on a large scale.

Councillor Jones referred to reference 4.11 on the Carbon Management Plan 2022, Policy and Regulations and asked why the Council were not insisting on carbon reduction policies and guidance for developers by way of solar panels and rainwater harvesting, on all new developments. The Team Manager for Environment advised that there was currently no legal requirement for developers to include this, the Council can provide a supplementary planning guidance to encourage developers to provide carbon reduction schemes, but legislative changes would need to be made to the National Policy. Councillor Jones provided Ashford Borough Council as an example where carbon reduction changes were being implemented. It was noted that the Council's Planning Policy were working on a collaborative process for policy change across the County.

Councillor Mallender highlighted the issue of flooding and was encouraged by the idea of saving areas of land for trees, particularly in urban areas, suggesting that paved/tarmac surfaces should be discouraged in new development schemes, providing an opportunity to increase biodiversity and address flooding.

Councillor Mallender suggested that solar panels on roofs was to be encouraged wherever possible adding that this should be pushed back to Government for legislation.

In respect of 2.8 on the Carbon Management Plan 2022, Develop a strategy for further EV charging points across the Borough, Councillor Mallender declared a non-pecuniary interest as he was employed in the EV Charging industry.

The Communities Manager advised that the Council were looking at improving

EV charging across Council properties and strategic positioning along A roads.

In respect of 1.10 on the Carbon Management Plan 2022, 'consider business case to purchase empty homes', Councillor Purdue-Horan asked why this had been removed from the plan. The Communities Manager explained that the plan up to 2030 focuses on Council owned properties and operations. The Service Manager – Neighbourhoods added that this was an item for scrutiny in itself and has been added to the Work Programme for the meeting of Communities Scrutiny Group in July 2023.

Councillor Dickman commented on the carbon used in producing building materials such as concrete, bricks and steel and suggested developers be steered to using more natural products such as local stone and wood. The Communities Manager advised that the newly completed Bingham Arena and Rushcliffe Oaks were procured using a design guide, which included the use of low carbon materials and locally sourced materials where possible, adding that natural materials would come down to cost and affordability for the Council.

The Chairman referred to 2.2 on the Carbon Management Plan 2022, 'investigate and replace/upgrade small vans vehicles with electric powered vehicles' and asked whether pool cars could be considered for planning and environmental officers who need to travel within the Borough for work. The Service Manager – Neighbourhoods advised that a specialist consultant has been appointed to work with the fleet to conduct a review which will inform the council on the most appropriate and cost-effective ways to decarbonise the existing fleet. However, it was noted that in respect of refuse vehicles there isn't anything on the market that covers the mileage-range the Council vehicles have to make across the Borough. In addition, the Service Manager – Neighbourhoods advised that the Government is expected to announce new legislation for the collection of food and garden waste, which may require changes to refuse vehicles going forward and it would be prudent to await this as there is the potential for funding to also be made available. The Group were advised that a roll out of smaller electric vehicles could go ahead relatively quickly depending on availability and in line with the capital replacement programme.

It was **RESOLVED** that the communities Scrutiny Group:

- a) Considered and endorsed the progress to date of the adopted carbon management action plan; and
- b) Provided comment and contribution towards the emerging carbon management actions for 2023/24.

42 **Environment Policy**

The Senior Ecology and Sustainability Officer presented the report of the Director – Neighbourhoods and delivered a presentation on the Council's Environment Policy for the period 2023-2028.

The Group were asked to consider whether the updated Environment Policy

meets the overarching aims of the Council in relation to the environment in which it operates.

The Senior Ecology and Sustainability Officer explained that the Environment is one of the Council's strategic priorities and as an employer and a provider of services, the Council needs to ensure its activities do not harm, but positively enhance the environment and by adopting the Environment Policy as set out in the report it will assist in the direction of other policies, procedures and working practices, including the influence we can have on the community through our own actions.

The Group were reminded of the Council's commitments 1 -7 as follows:

1. Environmental Improvement
2. Legislation
3. Energy and Water
4. Waste Management and Recycling
5. Environment Protection
6. Use of Materials
7. Planning and Transportation

With two additional commitments derived from Motions passed at Council:

8. Natural Environment
9. Climate Change

The Senior Ecology and Sustainability Officer explained that delivery of the policy would be various officers and Council services, including Planning Policy, Planning and Growth, Environmental Health, Property Services and Streetwise.

Members expressed how pleased they were to see the additional commitments and acknowledged the Council has a legal duty and moral responsibility to protect the environment now and for future communities.

Councillor Mallender asked a specific question in relation to a baseline for where the Council needs to be looking to make improvements and whether there were any records of animal habitats that have been affected or destroyed due to environmental changes, (providing the absence of hedgehogs in urban areas as an example). The Senior Ecology and Sustainability Officer informed the Group that there are only limited historical records on animals, with wild birds better recorded, and that the baseline would need to be developed.

Councillor Mallender in response expressed this gives the Council a great opportunity for increasing biodiversity by reintroducing absent or declining species.

Councillor Mallender suggested ecological surveys be done on areas before any development starts and prevent land from purposefully being degraded for development. Councillor Mallender requested that developers should be discouraged from putting up solid fencing and encouraged to replace marked boundaries with new hedgerows. The Senior Ecology and Sustainability Officer

explained that in relation to land being degraded for future development the Council can use aerial photography from 2022 as a baseline.

The Group also noted the Council's commitment to increase hedgerows across the Borough by 40%.

Councillor Jones raised concerns in relation to the development at Sharphill, where subsoil/topsoil has been removed for landscaping and tree planting, thus removing the health of the original habitats of birds, insects and small animals. The Senior Ecology and Sustainability Officer advised that there was no legislation in place ensuring and improvement of biodiversity when Sharphill was granted planning, going forward biodiversity checks will be made prior to development with follow on checks during and after development has commenced. In addition, under new legislation and planning policies, biodiversity will be supported by conditions imposed on developers at the planning stage. It was noted that under new legislation developers have to demonstrate biodiversity net gains to the planning authority.

The Group questioned, how would Officers/Councillors know if these policies were being met and where is the detail of each policy and how are they measured. The Communities Manager explained that the Environment Policy is the umbrella policy, and any detail would be picked up by other policies sitting within it.

The Group agreed this was a starting point that requires the support and commitment of developers and communities too and that the Council can only encourage and educate communities to do their bit to improve and preserve the environment in which they live now and for future generations.

It was **RESOLVED** that the Communities Scrutiny Group:

- a) Reviewed the updated draft Environment Policy
- b) Made suggestions to officers where the draft Policy does not yet meet the needs of the Council
- c) Recommends the Council adopts the updated Environment Policy

43 **Work Programme**

The Chairman presented the report of the Director – Finance and Corporate Services, which detailed the proposed Communities Scrutiny Group work for 2023/2024.

It was **RESOLVED** that Communities Scrutiny Group consider its Work Programme and that the following item for scrutiny was agreed.

July 2023 (TBC)

- Review of the Empty Homes Strategy and Council Tax Implications

October 2023 (TBC)

- Future Topics TBC

January 2024 (TBC)

- Future Topics TBC

March 2024 (TBC)

- Future Topics TBC

The Chairman noted that the Work Programme was light on items going forward and the asked members of the Group to submit a scrutiny matrix for any items they wish to be considered for scrutiny.

The Group noted that this was the last meeting of Communities Scrutiny Group for 2022/23 and that the membership is likely to change with new elected Councillors potentially bringing fresh ideas to be considered.

The meeting closed at 9.00 pm.

CHAIRMAN



Communities Scrutiny Group

Thursday, 20 July 2023

Review of the Empty Homes Strategy and Council Tax Implications

Report of the Director – Neighbourhoods

1. Purpose of report

- 1.1. To provide the Communities Scrutiny Group with a better understanding of the Council's Empty Homes Strategy including the tools at the Council's disposal to bring empty homes back into occupation for the benefit of Rushcliffe residents, specifically those tools connected to additional Council Tax levies.
- 1.2. These discussions will inform the review of the Empty Homes Strategy due later this year and identify any additional measures the Group is interested in pursuing as part of the 2024/25 budget setting process in relating to Council Tax charges for empty homes.

2. Recommendation

It is RECOMMENDED that Communities Scrutiny Group considers and provides feedback on the information provided to shape forthcoming revisions to the Empty Homes Strategy.

3. Reasons for Recommendation

- 3.1. To update the Group on the Council's approach to empty homes which is a key function to support the delivery of the Corporate Priority on 'the Environment' and 'Quality of Life' as a well-kept Borough enhances how residents feel about their local area and supports the protection of public health.

4. Supporting Information

- 4.1. A copy of the current Empty Homes Strategy is included at Appendix 1. Officers will also provide the Group with a presentation at the meeting and be on hand to answer any specific questions members of the Group may have.

The Empty Homes Strategy 2019-2023

- 4.2. Rushcliffe Borough Council implemented its first Empty Homes Strategy in April 2019 and, at the same time, employed its first ever dedicated Empty Homes Officer (0.6fte). The Strategy identified that the benefits of tackling empty homes are widespread, including:
 - assisting in meeting housing need

- improving housing stock conditions
 - assisting with a reduction in crime and the fear of crime
 - regenerating blighted areas and detrimental effects on local communities
 - increasing Council Tax collection rates and empty home premiums
 - generating additional income through the New Homes Bonus (NHB).
- 4.3. Since its inception, much has been done to develop procedures and protocols, research the location of empty homes and formulate methods of tracing their owners. Time was also invested in building relationships with local contractors and researching other agencies who could assist with getting empty homes back into use. An empty homes specific webpage was built to provide a first point of reference for both the public and empty homeowners alike.
- 4.4. The existing Empty Homes Strategy expires at the end of 2023/24 and will need to be refreshed. There are no significant changes to legislation that this review needs to take into account; however, it does provide an opportunity to review progress and assess the effectiveness of the existing processes. This review aims to outline the progress, key achievements and operational successes over the past four years, as well as providing the Communities Scrutiny Group with a number of questions to consider.

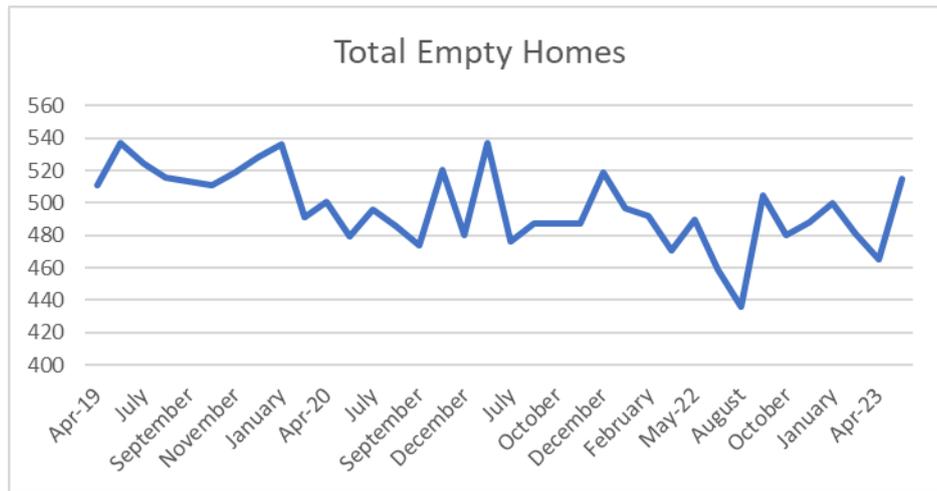
Key Achievements

- 4.5. The following activities have been undertaken during the last four years since the introduction of the Empty Homes Strategy:
- protocol and procedure documents have been completed to develop and enhance the Council's range of stricter enforcement options, including Enforced Sales, Empty Dwelling Management Orders and Compulsory Purchase Orders
 - positive media coverage on the Council's Twitter and Facebook pages, along with Rushcliffe Reports highlighting the work the Council are doing to tackle empty homes, as well as encouraging owners to come forward for assistance
 - an informative and accessible webpage has been developed, providing a single point of reference for complainants and empty homeowners, highlighting information on how to report, complain or seek support in relation to empty homes
 - established relationships with key internal partners such as Revenues, Benefits and Planning to ensure that relevant and accurate data is shared to best enable their functions
 - developed an empty homes database to record, monitor and categorise all reports and complaints. This allows the empty homes officer to accurately record and track statistics, but also for the prioritisation of workload and the focusing of resources. The database is split into categories dependant on a number of factors. These categories are the priority cases, probate cases, those owned by housing associations or companies, and properties owned by private individuals. Those recorded on the priority list, have been scored and assessed on a number of criteria to create a rating that prioritises each case on its own merits.

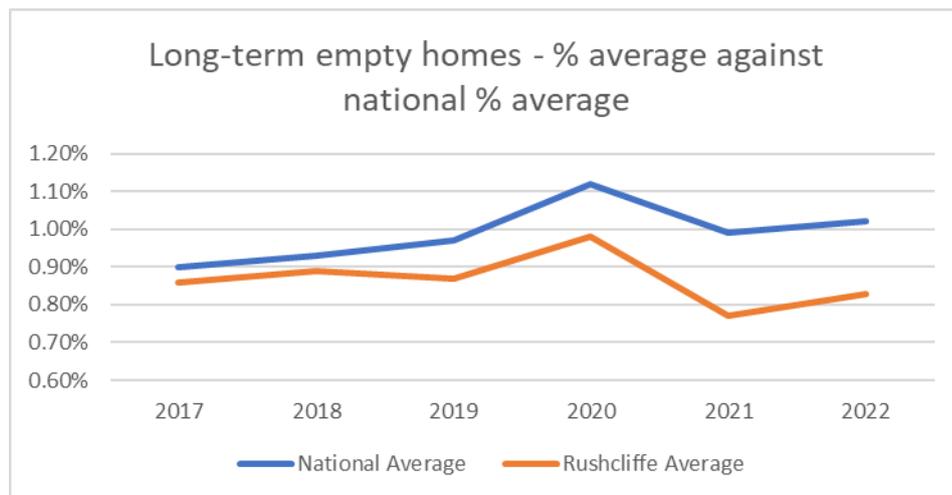
- 4.6. Since the adoption of the Empty Homes Strategy in 2019, 74 long-term and problematic empty homes that would have otherwise remained empty indefinitely, have been brought back into use involving the active intervention and or enforcement by the local authority.
- 4.7. During the same period, over 2,400 properties have been brought back into use without direct formal local authority intervention, but with assistance from positive media campaigns, support and advice in the way of letters, phone calls and signposting.
- 4.8. Over 30 'Reduced VAT' letters have been supplied to owners to support and encourage property refurbishment to bring them back into use, and to enable works to be carried out with a reduction in VAT liability. This scenario involves a reduction from 20% VAT to 5% on certain refurbishment works, where properties have remained empty for over two years.
- 4.9. 61 formal enforcement notices have been served to alleviate, remove, or improve issues surrounding condition, appearance, safety, and vermin relating to empty homes. Works in default have been carried out on several properties because of non-compliance with Notices, with subsequent debt recovery processes.
- 4.10. One Enforced Sale success saw a long-term empty home sold at auction, with the refurbishment and subsequent sale of the property now agreed. A decision has been made to proceed with the Enforced Sale of four further properties across the Borough, with a combined length of time empty of 22 years. This will encourage the properties back into use as well as recover significant debt owed to the Council.
- 4.11. The use of Capital Funding for the lease, acquisition, and enforcement of returning empty homes back into use has been agreed in principle and will be explored further with the strategic housing team in preparation for the revised Empty Homes Strategy due for publication in 2024.

Empty Homes Statistics

- 4.12. The standard metric defines a 'long term empty' as a home that has been empty for six months or longer. As of April 2019, this figure for Rushcliffe was 511 homes. This included properties registered with Council Tax as empty, but also those where complaints had been received concerning those not registered as unoccupied but considered vacant by the empty homes officer.
- 4.13. This figure has reduced to 465 in April 2023. Monthly statistical monitoring shows the number of empty homes is relatively static, with roughly 10% of cases becoming occupied, balanced with the addition of a further 10% of newly empty properties. The graphic below shows the reduction in numbers of long-term empty homes over the course of the Empty Homes Strategy being in place.



4.14. Rushcliffe have also remained below the national average in terms of their long-term empty homes figures since the Strategy’s inception. In 2019, the national average of long-term empty homes stood at 0.97% of total housing stock, rising to 1.02% in 2022. Rushcliffe reported figures of 0.87% and 0.83% for the same years respectively. Rushcliffe has, therefore, performed much better than the national average.



Priority Cases and Progressive Steps

4.15. There are currently 46 properties on the empty homes database classed as a priority. These are properties considered to be the most challenging, have been empty for the longest period, be in the worst condition, or have been the subject of a number of complaints. These cases are the focus of the empty homes officer’s time to pursue and progress cases to a successful resolution.

4.16. Of these 46, eight properties are expected to be returned to use within the next three months. The active engagement of the empty homes officer with the owners, often including enforcement action taken, means that they are now on the market for sale, rent, or actively being refurbished, and approaching the stage of being ready for reoccupation.

- 4.17. Empty Dwelling Management Orders (EDMO) are to be considered for three properties, one in each of Edwalton, Cotgrave and Radcliffe on Trent, having been empty for a combined estimate of 50 years. EDMO's give councils the right to possess a private unoccupied property that has been vacant for at least two years, make any necessary upgrades, manage the property, and rent it out for a period of seven years to recover its costs. Any such acquisitions will require the approval the Council's Section 151 Officer and Finance Portfolio Holder and considered in relation to the Council's overall financial position and corporate priorities.
- 4.18. Enforced Sales of properties in East Bridgford, West Bridgford, Gotham and Tollerton, are progressing within this financial year following significant enforcement activity, including works in default carried out to remedy issues effecting neighbours and the wider community.
- 4.19. The Revenue and Benefits department working with the empty homes officer, are pursuing charging orders on four empty homes with Council Tax arrears totalling just under £100,000 that have a combined empty length of over 40 years in West Bridgford, Radcliffe and Bunny.
- 4.20. Owners are engaging with the empty homes officer on a further 20 properties on the priority list. Positive negotiations and engagement have meant that steps to bring these properties back into use are ongoing and moving forward in a positive direction.
- 4.21. Enforcement action including the serving of formal notices, works in default and prosecution, are also in progress with all of the top 10 cases recorded on the priority list. This has been necessary as negotiations have stalled, failed, or engagement from the owners has not been forthcoming.

Proposed discussion points related to the Empty Homes Strategy

- 4.22. The following discussion points are intended to assist members of the Communities Scrutiny Group in assessing what (if any) changes need to be made to the existing Empty Homes Strategy:
- Is the Empty Homes Strategy supporting the Council to get empty homes back into occupation in the Borough?
 - Is the return of empty homes to occupation increasing residents' quality of life in the Borough?
 - Are there areas of the Empty Homes Strategy that the Group feel need to be strengthened or revised?
 - Does the Empty Homes Strategy need changing as a result of this review?

Council Tax Implications for Empty and Second Homes

- 4.23. The scrutiny matrix submitted by Councillor Thomas also asked if the Council could utilise additional tools to get empty homes back into occupation linked to Council Tax charging.

- 4.24. Section 11a of the Local Government Finance Act (2012) introduced discretionary powers which allow all councils to decide how much discount is allowed on empty properties and second homes.
- 4.25. In March 2018, Rushcliffe Borough Council decided to levy a premium on properties that have been empty and unfurnished for over two years. The current premiums are:

Length of time since last occupied	Premium level
2-5 years	100%
5-10 years	200%
Over 10 years	300%

- 4.26. Council Tax legislation categorises two different types of second homes. A Class A second home is a property that is sufficiently furnished for overnight accommodation but is not the occupier's main home. A Class B second home would be those properties where occupation is required as part of employment (for example a school caretaker).
- 4.27. In April 2013, the Council removed the discount from Class A second homes. The discount on Class B second homes is set at 50% and there is no ability to vary this.
- 4.28. The following is a breakdown of the current properties classified as unoccupied and unfurnished, the number of properties classified as a Class A second home, and their length of time empty.

Length of time	Number of unoccupied and unfurnished properties	Number of properties classified as a Class A Second Home
0-6 months	319	57
6-12 months	152	40
1-2 years	181	45
2-5 years	97	36
5-10 years	20	22
Over 10 years	14	28

- 4.29. For the current year, Rushcliffe Borough Council are billing an additional £385,000 due to the premium. Due to the split of Council Tax income between major preceptors, this equates to an income for Rushcliffe Borough Council of approximately £30,000.

- 4.30. All other local authorities in Nottinghamshire charge a premium on properties that have been unoccupied and unfurnished in the same way as set out above. The only exception is Mansfield DC, who limits the premium to 50% for all properties empty for over two years.
- 4.31. There are no exceptions to when the Council charges the premium on a long-term empty property. The liable party may choose to approach the Valuation Office Agency if the property is in a poor state of repair as they may decide to remove the property from the list of chargeable dwelling, hence removing all charges. The liable party may also make a claim to the Council to have the Council Tax reduced under Section 13A of the Local Government Finance Act 1992. This is a discretionary discount that considers the individuals circumstances and financial situation and will award relief in exceptional circumstances. Any award under this scheme will be met directly from Rushcliffe's funds.
- 4.32. The following is a breakdown of the charges raised as a result of levying the premium for long term empty properties since adopted by Rushcliffe Borough Council.

Financial year	Extra charge
2018/19	£89,647.23
2019/20	£183,724.93
2020/21	£260,818.43
2021/22	£276,613.60
2022/23	£294,192.64
2023/24	£384,634.27

Supporting the Empty Homes Strategy

- 4.33. The empty homes premium is an important element of the Empty Homes Strategy and provides a significant disincentive for owners to leave their property empty for long periods of time. It can focus the mind when carrying out refurbishments or can provide the final piece of encouragement when recommending an owner sell the property.
- 4.34. On the flip side, where complaints relating to a property being empty are confirmed by the empty homes officer, this information is often relayed to the Revenue and Benefits department for them to act upon and begin the stages of applying the premium or additional charges correctly based on evidence. This ensures that the Council is maximising their opportunities to apply the premium where applicable, but also to encourage owners to take action where they may have previously thought that their property fell under the radar for investigation.

Future Legislative Changes

- 4.35. The Government has introduced the Levelling-up and Regeneration Bill. Whilst the Government initially intended the Bill to be passed into law by March 2023, it is currently at the report stage in the House of Lords so it is unclear at this time when this Bill will be passed.
- 4.36. The Bill introduces two changes to the current position:
- Long term empty premiums can be levied on properties that have been unoccupied and unfurnished after 1 year (instead of two as currently)
 - A premium of 100% can be levied on Class A second homes after they have been unoccupied for 1 year (instead of the minimum being two years as currently).

Alternative options

- 4.37. There are other alternative options such as reducing the premium, however this would disincentivise the owner from bringing the property back into use in addition to the financial implications to the Council. For example, the Council could limit the premium to 200% which would reduce the Council Tax chargeable for these properties by £27,000 pa.
- 4.38. There is an option to remove the existing 28 day 50% empty homes discount which would bring in £8.6k for Rushcliffe.
- 4.39. Removing the premium from properties under renovation for new owners up to six months allowing the owners some time to bring the property back into use and incentivise owners to expedite repairs in a timely manner. Therefore, anyone who has a property and is not actively bringing it into use will pay the premium.
- 4.40. Options at paragraph 4.36 relating to the pending Levelling Up Bill (to apply 12 months after the bill receives royal assent).
- 4.41. The Communities Scrutiny Group are asked to consider these four alternatives to the current additional Council Tax levied on empty and unoccupied properties. The Group is also asked to suggest any further alternative options for consideration by officers.

5. Risks and Uncertainties

The Council already has an Empty Homes Strategy which is considered to be functioning efficiently. No major changes are planned or necessary. Should Councillors decide to alter the measures the Council has in place to incentivise home-owners bringing properties back into use then a risk assessment will be undertaken at that time. Each option presented has an impact on home-owners, the streetscene of the Borough and the Council's income.

6. Implications

6.1. Financial Implications

Additional charges linked to Empty and Unoccupied homes in the Borough provides additional income which is used to take positive action in this area.

The cost of the Empty Homes Officer is included in existing budgets.

Costs incurred by the Council undertaking works in default following non-compliance with a statutory notice, including all officer time and expenses, will be recovered in full from the property owner.

Any acquisitions of Empty Homes will require the approval of the Council's Section 151 Officer and Finance Portfolio Holder and considered in relation to the Council's overall financial position and corporate priorities.

Any reduction in the premium levied or any grace periods granted would reduce the Council Tax income due to the Council.

Any changes to the policy that affects the Council's ability to take enforcement action will delay the recovery of costs incurred by the Council and on recovery of Council Tax arrears.

6.2. Legal Implications

There are no legal implications associated with this report.

6.3. Equalities Implications

There are not considered to be any equalities implications in relation to this report. An Equality Impact Assessment will be undertaken alongside revisions to the Empty Homes Strategy later in the year.

6.4. Section 17 of the Crime and Disorder Act 1998 Implications

Empty and unoccupied homes in the borough can attract those with criminal intent. Additionally, these properties can have a negative effect on the fear of crime within a neighbourhood and suggest that an area is more prone to crime all of which have a negative impact on our residents' quality of life.

7. Link to Corporate Priorities

Quality of Life	The visual appearance of the Borough is an important factor in terms of the quality of life felt by residents. Unsightly, neglected and run-down properties contribute to a feeling that a neighbourhood is unsafe which also has a bearing on quality of life.
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Efficient Services	Additional charges linked to Empty and Unoccupied homes in the Borough provides additional income which is used to take positive action in this area.
Sustainable Growth	There are no links to this corporate priority.
The Environment	Protecting the local environment by minimising environmental crime.

8. Recommendations

It is RECOMMENDED that Communities Scrutiny Group considers and provides feedback on the information provided to shape forthcoming revisions to the Empty Homes Strategy.

For more information contact:	Geoff Carpenter Service Manager – Public Protection 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	Appendix 1 Empty Homes Strategy 2019-23

Rushcliffe Borough Council Empty Homes Strategy 2019 - 2024



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1 Introduction

- 1.1 This is Rushcliffe Borough Council's first Empty Homes Strategy. This document aims to give an understanding of the issues empty homes can cause and how they impact the local community. It looks at why homes become empty, what advice and assistance is available to empty home owners, and how the Council will use the range of powers available to it to return empty homes to use. Tackling empty homes and bringing them back into use will impact positively on our residents, including people in housing need and the wider community for whom empty homes often cause problems.
- 1.2 In Rushcliffe, according to Council Tax records there are currently around 900 empty homes, of which 425 have been empty for six months or more and around 100 for 2 years or more. However, this information is limited as it is recognised that there are a number of empty homes where full Council Tax is being paid and the property has not been registered as being empty.
- 1.3 Empty homes can be detrimental to the lives of local residents and communities. Even a single empty home can blight a whole street or community, reducing the values of surrounding properties and causing nuisance to local residents. Empty homes can also attract vandalism, fly-tipping and other criminal activity, ranging from the minor to the extremely serious, but all increasing crime and the fear of crime as well as having a detrimental impact on the local community. They also represent a risk for the emergency services and put added pressure on various council departments such as Environmental Health.
- 1.4 The benefits of a strategy to deal with empty homes can be identified as social, regenerative, financial and strategic. A strategy can:
- assist in meeting housing need;
 - improve housing conditions;
 - assist with a reduction in crime and the fear of crime;
 - regenerate blighted areas;
 - increase Council Tax collection rates and empty home premiums;
 - generate additional income through the New Homes Bonus (NHB).
- 1.5 The case for dealing with empty homes is therefore compelling from a community and housing perspective, but there are also financial incentives to not only return existing empty homes to use, but to try to ensure that the number of vacant homes does not then increase.

2 The National Context

2.1 Since 2010 the Government has placed considerable emphasis on the importance of returning empty homes to use. Statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) put the number of empty homes in England in October 2017 at 605,891. Of these, 205,293 were classed as long-term empty homes (empty for longer than six months).

2.2 In 2018 'Empty Homes' a national campaigning charity published a report entitled 'Empty Homes in England'. This report identified an upward trend nationally for empty homes in 2018 after 10 years of a downward trend. It made several recommendations that have also been published in the House of Commons Briefing Paper No. 3012 June 2018, Empty Housing:

- Local authorities should have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes.
- Local authorities and social housing providers should seek funding and allocate resources to buy and refurbish empty properties for people in housing need.
- Local authorities should take a casework approach with owners of long-term empty properties to encourage, advise and support them to bring homes back into housing use. Employing dedicated empty homes staff can ensure that the council is able to act on information about homes, and build up expertise in working with owners, including taking enforcement action where necessary.
- Local authorities with concentrations of long-term empty homes should look at how they can support community-based neighbourhood regeneration approaches.
- Local authorities, particularly in high value areas, should conduct studies to understand the extent and impact of 'buy-to-leave' empty or hardly ever used. Where it is an issue, they should review the measures they could adopt to incentivise people to sell or rent those properties, or not to buy properties in the first place with the intention of leaving them empty or hardly ever used.

2.3 In 2011, the Government confirmed that councils could attract additional funding under the New Homes Bonus scheme for bringing empty homes back into use. Under the scheme, the Government matched the Council Tax raised for each property brought back into use for a period of six years. The number of years over which payments are made was reduced from six to five in 2017/18 and further reduced to four years from 2018/19.

- 2.4 Since April 2013, powers previously held by central government to vary the amount of council tax paid on some empty homes has been devolved to local level. The aim of this policy is to further incentivise the reoccupation of long term empty homes by increasing council tax payable or by removing reductions or exemptions that were previously in place. Local authorities are now able to decide whether to apply a discount for properties empty for up to six months and those properties empty and in need of considerable renovation. There is also the option of imposing an 'empty homes premium' whereby council tax levels for most properties empty for two years or longer are set at 200%.

3 The Local and Corporate Context

- 3.1 This strategy highlights how resources can best be targeted to address empty homes in Rushcliffe, and to tap into the rewards and positive outcomes, both financial and community based, that this approach brings.
- 3.2 There are around 900 empty homes in Rushcliffe. Many of these are 'transactional vacancies' and are necessary for the normal operation of the housing market, so when used as a headline figure, it needs to be treated with some caution.
- 3.3 However, in Rushcliffe, around 425 homes have been empty for more than six months, while nearly 100 of these have been empty for more than two years. It is these longer term empty homes which cause most concern as they are more likely to remain empty for longer without intervention, and are also more likely to be an increasing source of blight and complaint.
- 3.4 To date the Council Tax database is the only available method to determine the number of empty homes in Rushcliffe. It is, however accepted that this method does not provide a full and accurate account of the number of empty homes in the Borough. The initial phase of the action plan that supports this strategy sets out to deliver a dedicated empty homes database that will take data from all available council sources including Council Tax records, Environmental Health databases, Planning records and customer complaints.
- 3.5 Returning empty homes to use can be the quickest and most cost effective way to increase the supply of housing. While it will not solve the housing problem, it can nevertheless play an important part in maximising existing housing stock for the benefit of the people of Rushcliffe.
- 3.6 This strategy links with a variety of council documents, strategies and plans, as outlined below.

[Rushcliffe's Corporate Strategy 2016 -2020](#)

[Rushcliffe's Housing Delivery Plan 2016 - 2021](#)

[South Nottinghamshire Homelessness Strategy 2017 – 2021](#)

[Rushcliffe Borough Council's Corporate Enforcement Policy](#)

[Rushcliffe Community Strategy: 2009 – 2026](#)

[Rushcliffe 2020 Vision](#)

[Private Sector Housing Enforcement Policy](#)

Table 1 – Objectives matched to the Council’s Corporate Themes

Corporate Themes	Empty Homes Strategy Objectives
Deliver economic growth to ensure a sustainable, prosperous and thriving local economy	Objective 5 - Provide advice, assistance and guidance to landlords and property owners
Maintain and enhance our residents’ quality of life	Objective 1 - To collect and record relevant, accurate and current information of empty homes in the Borough Objective 2 - To raise awareness of the Empty Homes and promote the Strategy Objective 3 - Reduce the number of empty homes and return empty homes back into use Objective 5 - Provide advice, assistance and guidance to landlords and property owners
Transform the Council to enable the delivery of efficient high-quality services	Objective 1 - To collect and record relevant, accurate and current information of empty homes in the Borough Objective 3 - Reduce the number of empty homes and return empty homes back in to use Objective 4 - To maximise income opportunities including New Homes Bonus and debt recovery

Table 2 - Links to the Housing Delivery Plan 2016-21

Supply: delivering housing growth including affordable housing to meet the needs of our diverse communities	
Strategic tasks	Reduce the number of long term empty homes
Community outcomes	Effective working with property owners to bring long term empty homes back into use
Responsible officer	Sarah Cairns, Protection and Safety Manager
Key partners	Private Landlords; Empty Property Forum
Linkages to other policies/strategies	N/A
Measure and targets	A continued reduction in the number of properties with are vacant and unfurnished over 6 months (Baseline 1 April 2015 = 474)

4 Background to Empty Homes

4.1 What is an Empty Home?

- 4.1.1 A dwelling is considered to be a long term empty home if it has been unoccupied for 6 months or longer. Privately owned long term empty homes are the focus of this strategy, but concerns will be highlighted to Public Bodies and Housing Associations (Registered Providers) where an empty home they own requires attention.
- 4.1.2 Not all empty homes are located in run-down areas, nor are they necessarily semi-derelict, boarded up or causing a problem. There are a large number of homes which naturally become empty for periods of time, perhaps due to the buying and selling process, being between tenants or when an owner passes away and the probate process delays moving the property on.
- 4.1.3 When a dwelling remains empty for a significant period of time, or is attracting unwanted attention, then it would be considered a high priority case in line with the rating system attached as Appendix B.

4.2 Why are homes empty?

4.2.1 There are a number of reasons why properties become empty, including:

- The property is difficult to sell or let due to its physical state;
- It is being renovated;
- The owner does not have the capacity/finances/time/skills to manage the property;
- The property has been or is being repossessed;
- Probate issues - Where there is an issue of unresolved ownership, often as a result of the previous owners' death;
- Resolving ownership can be a lengthy legal process, during which time the property may remain empty;
- The owner is being cared for elsewhere/is in hospital;
- The property has been abandoned by the owner and the owner is untraceable;
- Property holding, when a property is left empty due to speculative investment, through acquiring a property through inheritance or where partners co-habit leaving the second property empty. Or where the property is adjoined to a business and the owner does not wish to let or sell it;
- Due to an ageing population, older property owners may move into alternative older person's accommodation for care or support needs. They may choose not to sell the property which may result in it remaining empty for the short or long term.

It is important that the Council understands why individual properties become and/or remain empty so we can work with the owners in the most appropriate way.

4.3 Challenges Presented by Empty Homes

- 4.3.1 Dealing with an empty home is not always straightforward. A property may be used as a second home, and so not occupied on a permanent basis, but is in use. It may be that non-residential space such as that often found above shops is being used for storage or other business related matters and although not immediately obvious it is in use.
- 4.3.2 There may be properties awaiting planning permissions and work is unable to commence whilst this is being sought. A number of these may include specialist permissions if they are a Listed Building or located in a Conservation Area.
- 4.3.3 Ownership Issues: A property may be owned by a number of different people or companies. The property may be subject to legal proceedings such as probate, divorce settlements or proceeds of crime restrictions.
- 4.3.4 Land Registry Issues: Although it is now compulsory in England to register any property which changes ownership or has a mortgage taken out against it for the first time, properties which have not changed ownership since that time may not be registered with the Land Registry and information regarding the property will not be available from this source.
- 4.3.5 Absentee Owner: It may not be immediately evident who the owner of a property is or where they are, as they may have moved away with little information available to trace them.
- 4.3.6 Intentional Empties: Some properties are deliberately kept empty by the owner for specific reasons such as for their children when they leave home or elderly relatives who are in care. Some are kept empty until the owner feels the housing market is suitable to sell the property at the price they want. Some owners are reluctant to engage with the Council and believe that as the property is privately owned the Council do not have the right to require action to return it to use. They may be unaware, or have no concern for, the affect the property has on the local area and surrounding properties. These are properties which are likely to be left empty for many years and fall into disrepair.

4.4 Why do Empty Homes Matter?

- 4.4.1 The Council has to deal with complaints about empty homes from local people who rightly object to unsightly disused properties. There are implications for the Council's Environmental Health team that have to use staff time and resources to intervene to deal with pests, dilapidation, overgrown gardens, damage to neighbouring properties, anti-social behaviour and other issues.
- 4.4.2 For owners leaving a property standing empty can become costly and be a source of unnecessary anxiety.
- 4.4.3 There is an increased risk of vandalism and crime and the property can be difficult to insure, which could result in high repair costs or even mean a complete loss of asset.

- 4.4.4 Even the general deterioration of an unlive in property will result in costs, due to works necessary to enable the property to be brought back up to current Housing Standards.
- 4.4.5 By renting or selling the property not only are the above issues resolved but there is the added advantage of gaining regular rental income or the capital from the sale of the property.
- 4.4.6 For the local community empty homes can have a direct impact on adjoining properties through issues such as damp and structural problems. Alongside this, unsightly properties can have a detrimental effect on neighbouring house prices and can also result in a lack of pride in the area. The possibility of empty homes attracting unwanted attention can also cause anxiety and concern for local residents. The neighbours and those people living nearby find empty properties unsightly; deteriorating empty homes can be a real blight on a street or area. They undermine the communities' confidence in the area; they attract crime, vandalism and anti-social behaviour. Empty properties may also be vandalised and broken into, resulting in problems for neighbouring properties.
- 4.4.7 There is an environmental impact of leaving homes empty: It has been estimated that it would take the equivalent of 12 football pitches of land to build 800 homes. This could be greenfield sites of open land that local people value. It would be much more efficient and sustainable to make best use of the homes that we already have.
- 4.4.8 The emergency services, the police and fire service deal with complaints and call outs to empty homes, wasting the finite time and money of these vital services.
- 4.4.9 Returning empty homes to use can help eliminate these issues and ensure that house prices in the neighbourhood are protected from preventable reductions. Improving an area can also encourage investment in the local economy and a return of any lost pride in the community created by empty homes.
- 4.4.10 Empty homes returned to use as domestic dwellings increase the availability of homes, including potentially affordable homes. Instead of being a source of concern these homes can be transformed from a wasted resource into a home for an individual or family in housing need. There are many individuals and families in housing need and the utilisation of empty homes could prevent some of these people from facing issues such as homelessness and overcrowding, or provide a first home for a local person.

5 Aims and Objectives Including our Approach to Tackle Empty Homes

5.1 Aims and Objectives

5.1.1 The starting point of action on an empty home will be to work with the property owner where possible. Each empty home is different and there are many reasons why they become empty. These reasons can be sensitive and it is important to be understanding of all different situations. However, it is also important to be committed to the principles of the strategy and recognise that an empty home is a blight on the community and a wasted resource. Owners should know that whilst the Council would prefer to work with them, non-action is not an option. By owning a property they have a responsibility for it and must act accordingly.

5.1.2 The Action Plan for working towards the overall aims is included at Appendix A. This identifies 5 key aims and objectives:

- To collect and record relevant, accurate and current information of empty homes in the Borough;
- To raise awareness of empty homes and promote the strategy;
- To reduce the number of empty homes and return empty homes back into use;
- To maximise income opportunities including NHB and debt recovery;
- To provide advice, assistance and guidance to landlords and property owners.

5.2 Gathering relevant, accurate and current information

5.2.1 Although the Borough holds records of properties considered 'vacant' through Council Tax information it does not currently have any form of dedicated empty homes database. The implementation of this strategy will commence with the development of a new database that will hold the key information on all empty homes in the Borough including its 'risk rating' and prioritisation in terms of action. (See section 1.1 and 1.2 of Appendix A and Appendix B).

5.2.2 The current Council Tax database will assist in identifying the bulk of empty homes in the Borough. As well as these properties, those empty homes that are a source of complaint that have been reported to us will be added. Other homes may also come to light when identified by other departments, key partners or other Council officers as being of imminent danger or concern.

5.2.3 The Empty Homes pages of the Council's website will be updated and enhanced to provide an overview of our activities and give the public the opportunity to report an empty home. This can be submitted anonymously.

- 5.2.4 Once the database is built and the addresses added they will be prioritised for further investigation and action, based on a scoring matrix (Appendix B) taking into account such factors as length of time empty, nuisance caused, condition of the building and land. (Although the matrix score will be the principal guide to the order in which properties are dealt with, there may be exceptions based on local circumstances).
- 5.2.5 We will explore further opportunities to work more closely with Council Tax colleagues. This may include 'empty homes' verification visits and information gathering throughout the year to ensure data accuracy. This will occur at the time of the CTB1 snapshot, usually taken in early October, which dictates NHB award.

5.3 Raising Awareness of the Empty Homes Issue

- 5.3.1 Empty homes have been high on the national political agenda for some while now; recent television programmes highlighting the waste and blight associated with empty homes have proven popular. In a time of high housing demand, the issue is even more relevant.
- 5.3.2 The Council will raise the profile of the issue by participating in the National Empty Homes week of action each year and using this as a platform to increase awareness both internally and of the residents of Rushcliffe. Social media, local press and the Council's Rushcliffe Reports publication will publish information on the progress of this strategy and also highlight good news stories when available.
- 5.3.3 The public and our partners will be encouraged to report all empty homes and will be given advice on the tell-tale signs to look out for.
- 5.3.4 The Council will update and enhance its web-presence in relation to empty homes and publish statistics news updates.

5.4 Specific measures for bringing empty homes back into use

Support

- 5.4.1 In the first instance, we aim to provide help and advice to the owners of empty homes. Advice may be given with refurbishment, sales, legal and other aspects of lettings, finding tenants, health and safety and energy efficiency.
- 5.4.2 Template letters will be developed to encourage owners of empty homes to return their properties to use and to inform them of the benefits. These communications will escalate in seriousness from the first informal advice letter to a final warning actively presenting the possibility of enforcement action being undertaken to ensure the property is returned to use.

- 5.4.3 Template letters are quick to print and send, allowing us to deal with a large volume of empty home owners. In many cases it is anticipated they will be successful, prompting a response from the property owner that leads to assistance that is tailored to suit their requirements. The investigating Officer will organise this aspect of the work and build solid relationships with the empty home owners to secure voluntary reoccupation.
- 5.4.4 If template letters are unsuccessful then visits will be carried out in an attempt to engage with property owners and provide bespoke support. Due to its nature, this work is detailed and can be time consuming, but its successes reduce the need for further enforcement action. If this approach fails to produce the desired outcome, it provides the groundwork and justification for legal action.

Council Tax Premiums on Empty Homes

- 5.4.5 Since April 2018 the Council has implemented the Council Tax 'Empty Homes Premium' of 150% of the normal rate for properties that have been left empty for 2 years or longer. From April 2019 it is intended to increase this premium to 200% in line with central government policy.

Enforcement

- 5.4.6 A voluntary way forward to renovation and re-occupation is the preferred option, and officers will endeavour to encourage and persuade such progress. However, where owners cannot be traced, where informal approaches fail, or a there is a detrimental effect on the community, the Council may consider proceeding with legal action. The Council has significant powers, and will use the powers listed in Appendix C including compulsory purchase and enforced sale where appropriate and as a last resort.
- 5.4.7 Due regard will be given to the Council's Enforcement Policy before any action is taken.

Empty Dwelling Management Orders (EDMO)

- 5.4.8 Available under section 133 of the Housing Act 2004, an EDMO can be made where an owner leaves a property empty and has no intention of securing its voluntary reoccupation. The Council and a partner Housing Association or ALMO undertake the management of a property for a set period of time, up to seven years, with the EDMO reviewed after that time.
- 5.4.9 There are currently only very limited EDMO's in the country, with only 17 reported to have been secured in 2014. EDMO's are open to appeal at any stage and can be administratively burdensome. The end result is the possible return of the property into the same ownership as that which left it vacant and neglected in the first instance.

Enforced Sale

- 5.4.10 The Law of Property Act 1925 allows local authorities to recover charges through the sale of the property. This option can only be utilised where there is a debt to the local authority registered as a charge on the property. Council tax debts or works in default can be charged to the property in many cases, allowing the enforced sale process to begin.

Compulsory Purchase Order (CPO)

- 5.4.11 Nationally compulsory purchase actions on empty homes have been successful, and the outcomes have proven popular with the general public - not least because, in addition to enhancing housing availability, the anti-social and criminal activities which empty buildings can so often attract are also addressed as a consequence of the enforcement.
- 5.4.12 CPO's can play a pivotal role in bringing properties back into use, providing the final sanction to ultimately facilitate the renovation and reoccupation of the most problematic empty homes. CPO's provide the 'teeth' to the empty homes process and strengthen every aspect of this work.
- 5.4.13 CPO's can be made under S17 of the Housing Act 1985 or under S226 (as amended by Planning and Compulsory Purchase Act 2004) of the Town & Country Planning Act 1990, for the provision of housing accommodation or to make a quantitative or qualitative improvement to existing housing.

Additional Statutory Powers

- 5.4.14 Where an empty home is causing a specific problem to a neighbourhood or is dangerous or ruinous for example, a range of enforcement powers are available. The timing and extent of the action taken will be dependent upon the individual circumstances encountered at the property. A detailed list of these measures is attached as Appendix C to this strategy.

5.5 Maximise income opportunities

- 5.5.1 There are three potential income streams associated with bringing empty homes back into use: New Homes Bonus, debt recovery and unclaimed sales income from CPO's or Enforced Sales. The aim is to recover the costs in delivering this strategy to ensure that it is financially viable and that finance is available to invest to bring additional homes back into use.

New Homes Bonus (NHB)

- 5.5.2 In order to maximise NHB, it is planned to develop a programme of property visits which, when combined with a close working relationship with colleagues in the Council Tax team, allows the data that is used to calculate NHB award to be as accurate as possible at the time of the data snapshot – usually early October. This ensures that NHB income to the Council is maximised each year.
- 5.5.3 New Homes Bonus can overshadow other positive outcomes associated with dealing with empty homes. However, it is important to ensure that strategies and policies do not become overly reliant on this initiative to the detriment of other positive outcomes.

Debt Recovery

- 5.5.4 All efforts to resolve debts associated with empty homes should be taken to recover public money from this wasted resource and redirect it to the services that the Council provides for the people of Rushcliffe.
- 5.5.5 There are several types of debt that can be associated with empty homes, the most common being unpaid council tax (including the empty homes premiums), works in default costs and care charges relating to previous occupiers. The pressures on local government finances continue and we therefore seek to maximise all debt recovery opportunities. Rushcliffe will consider utilising the powers of enforced sale to recover unpaid debts and its costs in dealing with empty homes.

Unclaimed CPO / Enforced Sale Money

5.5.6 Where a property has been sold using the enforced sale process the following can be deducted from the sale proceeds:

- the original works in default costs,
- the legal costs in undertaking the enforced sale procedure,
- conveyancing costs in connection with the sale,
- auctioneer's or other marketing costs,
- other officer time in relation to the enforced sale process,
- any other debts owed to the council.

The balance would then be paid to the former owner of the property subject to any other charges or mortgages on the property. If the identity of the owner is not known, the money will be retained by the council.

5.5.7. Where the CPO process is used, the ex-owners will be entitled to compensation once the council becomes the owner of the property. If a claim is not settled, or a reference made to the Upper Tribunal (Lands Chamber), within six years, the claim for compensation will be statute barred.

5.6 Provide advice, assistance and guidance to landlords and property owners

5.6.1 Whatever the situation, the Council will contact the owner, talking to them directly where possible, and outlining the options for their empty home, providing information that may assist them in deciding what to do.

5.6.2 The options for owners are to rent the property out, sell the property or to live in it themselves. How quickly they are able to do any of this will generally depend on the condition of the property, as well as the desire on their part. The Council will advise and forward relevant information.

Certain questions may need to be answered at this stage:

- Does the property require any building work to make it habitable? If so, does the owner intend to fund it directly or are they seeking finance privately?
- If the owner wants to rent the property out, do they intend to do so privately or through a Leasing Scheme? What schemes are available?
- Are they aware of the current VAT rates for developing an empty home? The Council will send a VAT information sheet outlining reduced VAT rates for works to empty homes and provide a statement that the property has been empty to Customs & Excise if needed.
- Is the property a flat over a shop? The Council will send details of the Flat Conversion Allowance – a tax allowance introduced by the Inland Revenue in 2001 and designed to encourage people to develop empty space above shops to rent out.
- Do they want to sell the property? The Council can offer guidance on looking for estate and letting agents locally, details of auctions and dealing with any legal matters.
- Has the property been the subject of any complaints? It may be necessary to take action against an owner if there are issues such as build-up of rubbish, vermin, 'nuisance' to adjoining properties or if the condition of the property is affecting local amenity.
- Is the owner an established landlord? Are they interested in joining an approved accreditation scheme?

6.0 Performance Monitoring and Review

6.1 The purpose of this strategy is to explain the current situation with regard to empty homes both on a national and local basis and to set out the Council's future plans. It is essential that the effectiveness of action delivered by the implementation of the strategy is closely monitored and reviewed. In order to develop a good system of performance management it is proposed to undertake the following actions: -

- Monitor the number of empty homes back into use
- Develop up-to-date knowledge of best practice through research and liaison
- Monitor and review delivery of actions within the Implementation Plan.

6.2 It is proposed to review and update the Implementation Plan on an annual basis.

Appendix A – Action Plan

Objective 1 - To collect and record relevant, accurate and current information of empty homes in the Borough						
Sub Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
1.1	Develop and maintain an empty home database containing information provided by Council Tax and collected through investigations, complaints and surveys	A managed database providing a prioritised list of empty homes for action	H	Feb 2019	Database available and populated by April 2019 and then on-going to maintain	Low: Initial officer time to set up and populate (3 days) then within existing caseload to maintain
1.2	To risk assess known empty homes and identify homes for proactive enforcement	A managed, risk assessed empty home database that generates a prioritised list of empty homes for action	H	Feb 2019	Prioritised list available by May 2019 and then maintained on-going	Low-Medium: 1 day to complete this task for known active cases, and 3-5 days for all long term empty homes (>2yrs) on the Council Tax database

Objective 2 - To raise awareness of Empty Homes and promote the Strategy						
Sub Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
2.1	To promote the Strategy within the Authority to other departments and elected members	Presentation / distribution of information to elected members and managers	L	March 2019	April 2019	Low: Within existing resources (1 day)
2.2	To promote the strategy within the community	One publicity event or local press article publicising action on empty homes each year (to coincide with the national Empty Homes Action Week)	L	April 2019	On-going each year	Low: within existing resources (1/2 day)
2.3	To develop a web page specific to empty homes and publish this strategy	Members of the public are able to obtain information on the Empty Homes Strategy and report problem empty homes on-line	M	March 2019	April 2019	Low: within existing resources (1/2 day)

Objective 3 - Reduce the number of empty homes and return empty homes back in to use						
Sub Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
3.1	Design and produce an empty homes procedure with standard template letters	All properties identified on the database are able to investigated and actioned	H	Mar 2019	April 2019	Low: within existing resources (1-2 days)
3.2	Investigate the use of and review enforcement options for the enforced sale of empty homes	Enforced sale action is able to be taken in relation to empty homes	M	April 2019	July 2019	Low: within existing resources (1-2 days)
3.3	Investigate the use of and review enforcement options for Compulsory Purchase Orders and Empty Dwelling Management Orders	Able to use CPO or management orders to return empty homes back to occupation	M	April 2019	July 2019	Low: within existing resources (1-2 days)
3.4	Develop agreements with local housing associations with a view to them leasing / purchasing empty homes for use as social housing	Agreement in place with at least one RSL to lease or purchase empty homes	L	July 2019	Sept 2019	Low: within existing resources (1-3 days)
3.5	Implement this strategy to tackle individual empty homes	Full enforcement action, including works in default, taken with support from relevant service areas within the Council Bring 10 empty homes back into use annually	H	Jan 2019	On-going	0.6 FTE Empty Homes Officer 0.2 FTE Principal Officer (EP)

Objective 4 - To maximise income opportunities including New Homes Bonus and debt recovery

Sub Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
4.1	Maximise debt recovery opportunities through both enforcement and informal methods	Identify all opportunities for debt recovery Pursue all suitable cases in conjunction with colleagues in Legal Services Use of Enforced Sale powers	M	April 2019	On-going	Within exiting Council resources and the proposed 0.6 FTE Empty Homes Officer
4.2	Maximise income through New Homes Bonus through focused visits to relevant empty homes	Develop and refine existing best practice. Ensure all cases are accurately recorded by Council Tax prior to closing Complete all necessary visits to allow accuracy in CTB1 return that dictates NHB Further develop and refine already strong relationship with Council Tax colleagues to ensure information is suitably recorded	M	April 2019	On-going	Within exiting Council resources and the proposed 0.6 FTE Empty Homes Officer

Objective 5 - Provide advice, assistance and guidance to landlords and property owners

Sub Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
5.1	To produce an empty property guide for owners of empty homes and members of the public	Empty Home guide sent to owners of empty homes	L	June 2019	August 2019	Low: within existing resources
5.2	To develop specific web pages for owners of empty homes and assistance available	Full information for the owners/landlords on options for addressing empty homes on the Council's website	L	April 2019	June 2019	Low: within existing resources

Appendix B Empty Homes Scoring and Rating System

Each empty home identified will be assessed using a scoring sheet which considers various criteria. The result of this assessment is that the property will be placed in a category which determines the priority level it is given and the subsequent course of action taken.

Properties will be reassessed when necessary / new information is obtained to ensure they remain situated in the correct categories and the correct level of priority is given.

The categories will be classified as follows:

RED – (scores 50 or over)

Cases which fall into this category will be prioritised. All avenues will be explored with the owner to return their property to use in a way that suits their own needs, the needs of the community and the Council. Where assistance is refused and the owner is unwilling to cooperate, all enforcement options will be considered to establish the most appropriate course of action.

AMBER - (scores 25 - 49)

Cases which fall into this category will be considered a lower priority than those in the Red category. Resources will still be invested in these cases and officers will work with owners in an attempt to prevent empty homes from deteriorating and being reassessed to a higher category. Where necessary, enforcement options will be employed if considered the most appropriate course of action. Cases in this category will be monitored on a more frequent basis than those properties which fall within the Green category and will be reassessed where necessary.

GREEN - (scores less than 25)

Cases which fall into this category will be given a lower priority for action, but owners will be contacted and offered any assistance they may need to return their property back into use. These properties will be monitored for any change and reassessed where necessary.

Empty Homes Assessment Scoring Sheet

Criteria	Classification	Score
Time Empty	< 1 year 1-2 years 2-5 years 5-10 years > 10 years	0 5 10 15 20
Location	Extremely isolated with no access Isolated property with access Rural residential area Urban residential neighbourhood Prominent position	0 5 10 15 20
Special Interest	Listed Building Located in a Conservation Area	10 5
General Condition	Well maintained Acceptable for surrounding area Noticeably empty/unattractive Extremely unsightly/detrimental to the area	0 5 10 20
Unwanted attention	Attracting criminal activity such as graffiti, fly tipping, vandalism, anti-social behaviour	20
Debts Owed to Rushcliffe Borough Council	No outstanding monies owed < £500 £500 - £2000 £2000 - £5000 >£5000	0 5 10 15 20
Owner Interaction	High level of cooperation Average level of contact & efforts made Minimal contact & little efforts made No contact/untraceable/no efforts made	0 5 10 20
Total Score	Red / Amber / Green	

Appendix C Main Statutory Enforcement Options

Town & Country Planning Act 1990, Section 215: Where the condition of an empty home is detrimental to the amenity of the area.

Building Act 1984, Sections 77-79: Where an empty home is in such a condition to be dangerous or is seriously detrimental to the amenity or of the neighbourhood.

Building Act 1984, Section 59: Where the condition of the drainage to a building is prejudicial to health or a nuisance.

Environmental Protection Act 1990, Section 80: Where a statutory nuisance exists, is likely to occur or recur at the property.

Prevention of Damage by Pests Act 1949, Section 4: Applied where the condition of the property is such that it is providing or likely to provide harbourage to rodents.

Local Government (Miscellaneous Provisions) Act 1982, Section 29: Allows the Council to act if a property is open to unauthorised access and is a risk to public health.

Housing and Planning Act 2016, Part 7: Allows authorisation to be given for officers to enter land (and property on that land) in connection with a proposal to acquire a compulsory interest in that land (and property on that land).

Local Government (Miscellaneous Provisions) Act 1976, Section 16; and Town & Country Planning Act 1990, section 330 – A notice may be served to establish information regarding property ownership or interests in land.

Housing Act 1985 Section 17 and the Acquisition of Land Act 1981: Forms the basis for the compulsory purchase of land/buildings for the provision of housing accommodation.

Housing Act 2004 Part 4: Grants powers to take over the management of a property using Empty Dwelling Management Orders (EDMO).

Law of Property Act 1925, Part III: The basis for enforced sale where certain debts are owed to the Local Authority.

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 4: Allows for enforcement of matters considered to be detrimental to the quality of life to those in the locality.

Public Health Act 1961 Section 34: Deals with the removal of waste from property or land.

Public Health Act 1936 Section 83: Deals with the cleansing of filthy or verminous premises.

Housing Act 2004 Part 1: Housing conditions, improvements and enforcement.

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 <p>Rushcliffe Borough Council</p>	<p>Communities Scrutiny Group</p> <p>Thursday, 20 July 2023</p> <p>Work Programme</p>
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Report of the Director of Finance and Corporate Services

1. Summary

- 1.1. The work programmes for all Scrutiny Groups are created and managed by the Corporate Overview Group. This Group accepts and considers Scrutiny Matrices from both officers and councillors which propose items for scrutiny. If those items are accepted following discussion at the Corporate Overview Group, they are placed on the work programme for one of the Council's Scrutiny Groups.
- 1.2. The work programme is also a standing item for discussion at each meeting of the Communities Scrutiny Group. In determining the proposed work programme due regard has been given to matters usually reported to the Group and the timing of issues to ensure best fit within the Council's decision-making process.
- 1.3. The work programme is detailed in this report for information only so that the Group is aware of the proposed agenda for the next meeting. The work programme does not take into account any items that need to be considered by the Group as special items. These may occur, for example, through changes required to the Constitution or financial regulations, which have an impact on the internal controls of the Council.
- 1.4. The future work programme was updated and agreed at the meeting of the Corporate Overview Group on 14 June 2023, including any items raised via the scrutiny matrix.

Members are asked to propose future topics to be considered by the Group, in line with the Council's priorities which are:

- Quality of Life;
- Efficient Services;
- Sustainable Growth; and
- The Environment

2. Recommendation

It is RECOMMENDED that the Group agrees the work programme for next year 2023 – 2024 as set out below:

5 October 2023

- Social Housing Models
- Work Programme

18 January 2024

- Flight Paths
- Use of Community Facilities (TBC)
- Work Programme

21 March 2024

- Carbon Management Plan Update
- Streetwise In-Sourcing
- Work Programme

3. Reason for Recommendation

To enable the Council's scrutiny arrangements to operate efficiently and effectively.

For more information contact:	Pete Linfield Director of Finance and Corporate Services 0115 914 8349 plinfield@rushcliffe.gov.uk
Background papers Available for Inspection:	None.
List of appendices (if any):	None.