

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 3 July 2019

Meeting time: 08.50

For further information contact:

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Committee Clerk

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Private pre-meeting (08.50 – 09.00)

1 Introductions, apologies, substitutions and declarations of interest

(09.00)

2 Inquiry into benefits in Wales: options for better delivery – evidence session 6

(9.00 – 10.00)

(Pages 1 – 13)

Hannah Blythyn AM, Deputy Minister for Housing and Local Government

Jo-Anne Daniels, Director of Communities & Tackling Poverty, Welsh Government

Linda Davis, Head of Tackling Poverty and DWP Relations, Welsh Government

3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 4,8 and 9

(10.00)

4 Inquiry into benefits in Wales: options for better delivery – consideration of evidence received

(10.00 – 10.05)

Break (10.05 –10.10)



- 5 Inquiry into empty properties – evidence session 1**
(10.10 – 11.25) (Pages 14 – 74)
Leighton Evans, Carmarthenshire County Council
Paula Livingstone, Swansea Council
Sion Wynne, Wrexham County Borough Council
Gaynor Toft, Ceredigion County Council
- 6 Inquiry into empty properties – evidence session 2**
(11.25 – 12.10)
Lisa Hayward, Welsh Local Government Association
Dewi Morgan, Gwynedd Council
Deb Smith, Torfaen County Borough Council
- 7 Papers to note**
(12.10– 12.15)
- 7.1 Correspondence from Mark Isherwood AM regarding the Social Fund for funeral payments – 21 June 2019**
(Pages 75 – 76)
- 7.2 Correspondence from the Future Generations Commissioner for Wales regarding the request for further information following annual scrutiny – 26 June 2019**
(Pages 77 – 87)
- 7.3 Inquiry into empty properties – survey analysis**
(Pages 88 – 95)
- 8 Inquiry into empty properties – consideration of evidence received**
(12.15 – 12.20)
- 9 Approach to follow up work into rough sleeping in Wales**
(12.20 – 12.30) (Pages 96 – 97)

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Evidence Paper on Benefits in Wales: Options for Better Delivery. Equality, Local Government and Communities Committee.

The purpose of this paper is to provide written evidence to the Equality, Local Government and Communities Committee inquiry on Benefits in Wales: options for better delivery.

Context

1. The timing is right to begin a more in-depth exploration of the case for devolving the administration of welfare benefits to Wales. The last few years have seen the UK Government implement significant welfare reforms, notably the introduction of Universal Credit (UC). At the same time eligibility rules have been changed, with most of these changes restricting the availability of financial support to individuals and families in need.
2. There is widespread consensus that the UK Government's reforms to welfare benefits and tax credits, through the Welfare Reform Act 2012 and Welfare and Work Act 2016, coupled with austerity, are causing significant hardship in Wales. Furthermore, many of the benefit cuts announced since 2015 are only partly implemented, with more cuts to come.
3. A report published by the Welsh Government in March 2019 on the impact of the UK Government's welfare reforms on households in Wales refers to analysis that shows households in Wales are estimated to lose 1.5 per cent of their net income (or around £480 a year) on average from the overall package of tax, welfare and National Living Wage reforms announced since 2010. This is based on analysis undertaken by Landman Economics and Aubergine Analysis on behalf of the Equality and Human Rights Commission (EHRC) and covers the reforms announced between May 2010 and January 2018. Although this does not cover any changes announced since then, more recent analysis by the Institute for Fiscal Studies (IFS) shows that the Budget 2018 welfare changes, which increased the generosity of Universal Credit, make relatively little difference to household incomes, on average, in the long run.
4. The overall effect of the reforms is still expected to be regressive, with the largest impacts felt by people on the lowest incomes, and particularly those with children. As a result, relative child poverty in Wales is estimated to increase substantially over the next few years. There is also a disproportionately negative impact on the incomes of several protected groups. This includes disabled people, certain ethnic groups, and women, with particularly negative impacts on intersectional groups who experience multiple disadvantages.
5. Welsh Government has expressed deep concern that the design of UC includes significant flaws that can tip vulnerable individuals into destitution. The minimum '5 week wait' for the first payment and then the DWP's widespread use of advanced UC payments as a short-term 'fix', can increase the risk of indebtedness for the most vulnerable. Welsh Ministers have repeatedly called on the UK Government to address these major flaws and halt the further roll out of UC. The Welsh Government's Discretionary Assistance Fund has seen an

increase in applications with a sharp increase in demand from March 2018. This is as a direct result of recent welfare benefit changes, particularly from people struggling with Universal Credit payment delays. The budget allocated for 2018-19 was £8.4m, but end of year spend reached £10.5m. An extra £2m has been made available this financial year to accommodate the continued increase in demand.

6. There have been recent announcements from the UK Government indicating a softening of approach. For example, DWP Work Coaches are now more open to using the DWP's Flexible Support Fund to meet childcare costs. However, the breadth and extent of the changes to be developed or implemented are as yet not fully known, and their impact so far is likely to be small until they are rolled out more widely.

Devolution of Administration

7. The First Minister announced on the 5 February that the Welsh Government had asked the Wales Centre for Public Policy (WCPP), as part of their work programme for 2019-2020, to explore the case for devolving administration of aspects of the benefit system to Wales. This inquiry by the Equality, Local Government and Communities Committee, as well as reports by organisations such as the Bevan Foundation and Cardiff University, are welcome and timely contributions to this exploration.
8. The welfare state is an essential component of a United Kingdom: one where there is collective responsibility to support those in need by the pooling of resources and the redistribution of income. Devolution should not undermine this collective responsibility.
9. In Wales, the Department for Work and Pensions (DWP) is responsible for most means-tested benefits, local authorities manage housing benefit, and HMRC administers child benefit, guardian's allowance and the tax credit system. However, in recent years the UK Government has chosen to devolve certain benefits to Wales. Consequently we now have considerable experience of administering welfare payments, for example the Council Tax Reduction Scheme, Discretionary Housing Payments and the Discretionary Assistance Fund. The devolution of 10 benefits to Scotland alongside the flexibilities in the administration of Universal Credit also give us some evidence to build on.
10. It will be important to learn from the Scottish Government which of their administrative powers, devolved as part of the 15% of welfare benefits transferred following the Scotland Act 2016, they are finding can most effectively be integrated with their existing powers. The Scottish Parliament now has powers over benefits falling within certain categories; disability, industrial injuries and carers' benefits; benefits for maternity, funeral and heating expenses; and Discretionary Housing Payments. The transfers are still in the process of being implemented and integrated, and have resulted in net set-up and running costs to the Scottish Government, which the Welsh Government wishes to understand further.

11. Devolution of administration could enable a different approach to welfare in Wales, one based on compassion and fairness. The welfare system should treat people with respect and dignity while promoting simplicity and efficient administration. Devolution of the administration of benefits in Wales may be able to deliver a new approach and the scope for this will be a key consideration. Administration may however bring limited flexibility and scope for change as some design features constitute policy rather than administration. The welfare system is underpinned by a complex and interrelated set of administrative and legal frameworks.
12. The committee will be very aware that any consideration of devolving welfare administration must consider the potential increased fiscal risk. The experience of the Welsh Government with the closure of the Council Tax Benefit scheme, where the funding transferred to the Welsh Government was top-sliced by the UK Government, is one example. In Wales, following the transfer, £244 million was added to the Revenue Support Grant for the new Council Tax Reduction Scheme for 2013-14. This comprised a fixed budget of £222 million which was transferred to the Welsh Government from the UK Government and an additional £22 million provided by the Welsh Government to enable local authorities to maintain full entitlement to support for all eligible applicants. The Welsh Government continues to maintain this commitment and £244 million has again been provided for CTRS as part of the 2019-20 settlement. Although at a cost, this approach has allowed a national scheme that is efficient and fairer than the local authority based scheme in England.
13. 'Devolving Welfare: How well would Wales Fare?', a report by the Wales Fiscal Analysis Unit at Cardiff University's Wales Governance Centre, has looked at the financial risks associated with devolving to Wales the same set of benefits that have been devolved in Scotland. The report finds that if these were devolved on the same basis as is happening in Scotland, there could be a financial gain to the Welsh Government because of the particular age profile and possible future trends in the benefit recipient group in Wales. The Welsh Government is not seeking the devolution of policy over benefits, as has happened in Scotland, but it is important to note that were benefits to be devolved to Wales, it would most likely be in a way that is not expected to confer financial advantage to either the Welsh Government or the UK Government. It cannot be assumed that the same arrangements would be put in place if these benefits were devolved to Wales. It is worth noting that the fiscal framework agreements governing tax devolution in Scotland and Wales are quite different from each other, reflecting the different circumstances in the two countries.

Agenda Item 5

By virtue of paragraph(s) ix of Standing Order 17.42

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National Assembly for Wales' Equality, Local Government and Communities Committee - Inquiry into empty homes

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.
3. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales.
4. The All-Wales Private Sector Housing Expert Panel is made up of senior housing officers from all Local Authorities with responsibility for empty properties. A remit of the group is to act as an expert advisory group, acting as a source of advice to local authorities, WG, WLGA and to Housing Leadership Cymru and the Wales Heads of Environmental Health Group on all aspects of private sector housing (PSH).
5. This is a joint submission from the WLGA and the All-Wales Private Sector Housing Expert Panel to the National Assembly for Wales' Equality, Local Government and Communities Committee's inquiry into empty homes. The submission is framed around the questions highlighted within inquiry's terms of reference.

Is enough being done to tackle empty properties in Wales? If not, what needs to change?

6. Local authorities make considerable efforts to tackle problematic empty properties in Wales, however, it is important to understand the detail behind

some of the activity reported by authorities. Annually, the denominator figure for empty properties is rising, and LAs are possibly reaching a plateau, in terms of percentage returned to use, based on current resources.

7. Whilst it is noted that each LA in Wales has varying population figures and housing demand, there is a significant variation between the upper and lower range of the number of empties across Wales. The current denominator figures range from 3556 to 244.
8. With PAM/013 reflected as a percentage figure, this does not highlight the good work of some LAs where denominator figures are high, as the actual number of homes brought back into use maybe be amongst the highest in Wales.
9. Exploring current denominator figures, suggests that a large number (e.g. 55% in Carmarthenshire and 48% in Ceredigion, April 2019) are considered to be transitional empty properties, being empty for less than 2 years. These types of properties are likely stuck in a lengthy probate process or are in a stagnant property market for sale. These properties are not necessarily considered to be in poor condition, nor detrimental to a community, but form the basis of a denominator figure.
10. Whilst this may be the case, LAs can provide extensive advice, guidance and support to all owners of empty properties, and good condition properties can draw on low resources, and increase the provision of housing across Wales, relatively efficiently.
11. Conversely, there will be empty properties which have been removed from Council Tax records based on a poor condition. It is these properties that are likely to consume the greatest staff resources, and will be problematic and protracted. These will not be reflected in the denominator figure.
12. LAs need to have a varied approach, to offer a wide variety of assistance to empty property owners. This requires significant investment and resources. As a minimum, each LA should have a dedicated Empty Property Officer, operating behind an effective Empty Property Strategy. Regional and National working is key, sharing good working practice.

13. Financial support to LAs to fund staffing posts, could greatly increase the activity on empty properties across Wales. Discussion has occurred at WG in the delivery of the Houses into Homes (HiH) and Home Improvement Loans (HiLs) schemes about also providing revenue funding to LAs to support empty property work and enable the delivery of this funding.
14. A lot of 'invisible' time is also spent on empty properties – work undertaken which doesn't immediately result in a property being brought back into use but may address issue(s) relating to the property which affects neighbours. This work is carried out by a range of officers and is good to keep goodwill with neighbours and elected members as they are also a good source of local intelligence on what's happening with the properties but mostly goes unreported.

What impact can empty properties have on a community?

15. Generally, empty properties can:
 - Attract anti-social activity, including crime, vandalism and arson, resulting in an increased fear of crime for neighbours
 - Blight the surroundings and create environmental problems
 - Decrease adjacent property values
 - Discourage further investment in the area, leading to neighbourhood decline
 - Cost the owner significant money (council tax, utility charges, loss of rental income and deterioration of the property).
16. There are many empties which are 'hidden' from the community which could be used to increase housing provision. These can be trickier to bring into use as there is no 'reason' for the LA to intervene and use its powers.
17. It is considered that empty properties represent a wasted resource. Some properties go unreported due to their isolated nature, due to neighbours giving up on reporting them or because they are maintained to a certain standard. Despite this these properties represent as much of a wasted resource as those in an 'obvious' state or location, in some cases they can be more of a wasted resource due to a greater shortage of suitable accommodation in the area (i.e. rural).
18. In instances such as these, the only course is an EDMO and this is lengthy, or compulsory purchase, and this is costly. In its current form the EDMO process isn't providing the right solution. They are too complicated, lengthy and prone to

fail so LAs will not use the powers. Work needs to be undertaken to streamline this process in favour of LAs and the communities where they are located.

How effectively are local authorities using the statutory and non-statutory tools at their disposal to deal with empty properties?

19. There is a wide variety of legislation that can be utilised for empty property work, a lot of which is not used by LAs to tackle problematic empty properties for various reasons such as powers of delegation, staff resources/capacity, protracted processes etc. Competing demands on resources can mean that empty property work is lower priority than for example poor condition housing.

20. The use of legislation can be resource intensive, and is very rarely the final step a LA would take to bring a property back into use. Enforcement action is usually taken, following unsuccessful informal action. Owners of empty properties can often be 'accidental owners', having inherited a property and do not have the means to address defects and property improvement. In circumstances such as this, enforcement action can result in the need for a LA to undertake works in default of a notice. This again, can be very labour intensive and requires staff and financial resources. To recover debt, LAs must then consider further enforcement action, either by creating charging orders through the County Courts, enforcing the sale of a property or by undertaking an EDMO. Examples of the use of enforcement action, and more informal action, are shown in **Appendix 1**.

Do local authorities need additional statutory powers to deal with empty properties? If yes, what powers do they need?

21. A more streamlined EDMO process, with some greater powers and a lower threshold for agreement would assist with tackling empty homes. Alongside this some capital funding is needed to be able to carry out necessary repairs. Bringing an empty back into use is not always viable within the EDMO period. An ability to charge remaining costs to the property/ force sale for recovery should be introduced , covering such costs as carpeting, maintenance etc., which can't be recovered under existing Housing Act powers.

22. Members of the public often assume statutory powers such as EDMOs and CPOs are easy and therefore suggest this option as a default. This puts added pressure on LAs when action is not seen to be forthcoming due to it not being as straight forward as envisaged. Wrexham CBC is currently in the process of developing a procedure to take properties forward for enforcement action

including CPOs, however, the process to have the procedure adopted is complex due to the nature of the work and risks involved.

Are owners of empty properties given the support, information and advice that they need to bring empty properties back into occupation? If not, what additional help do they need?

23. Across Wales extensive advice, guidance and support is offered, and is responsible for the majority of properties brought back into use. However, this activity is time-consuming and resource intensive. Examples of such informal support include:
- Advice on property improvement works required to bring a property up to a habitable standard, with project management services being developed
 - Registered scheme of builders and agents, to assist owners with property improvement
 - Financial assistance through HILs & HIH
 - In-house social lettings agency, offering advice and support with minor property improvement works, tenant finder schemes and a full property management service for affordable homes
 - VAT concession letters
 - Advice on private sector letting and Rent Smart Wales obligations
 - Public auction referrals
 - Direct purchases, in line with Affordable Homes strategy.
24. LAs have different schemes available, and there is scope for greater consistency across Wales around the level and types of assistance provided to property owners. For example, Gwynedd currently has 5 schemes available to try and bring empty properties back into use. Schemes are advertised regularly on social media and local papers, and verbal advice is provided, however, this can be demanding on officers' time.
25. It is considered that HiH and HiLs loan schemes have been very successful in bringing properties back into use and have opened the door to further discussions about project management, VAT advice, letting / leasing empty properties as affordable housing, etc., but there are many more who do not engage and are unaware of the schemes. The loans can only be used for properties where the owners do engage and where the equity levels allow. There

is a significant core of properties where engagement is not currently working and these are often the properties that generate most complaints.

Is there sufficient awareness of the practical assistance that local authorities can offer owners of empty properties? If not, how could this be improved?

26. LAs can target empty property owners on an annual basis, offering a wide variety of advice, guidance and support by letter, with a facility for owners to respond and request detailed information or assistance. This is resource dependent. LAs can advertise such assistance on corporate websites and through working collaboratively with local landlords forums. There would be benefit from adopting a consistent approach across Wales, through a national scheme/ drive to offer the same service across Wales. This should be backed up with funding for LAs, both revenue and capital.

Are the skills and resources of housing associations and the private sector being fully utilised to tackle empty properties?

27. LAs can work closely with private sector landlords, offering a wide range of advice guidance and support with housing standards, financial assistance, VAT concession assistance, tenant finder schemes etc. LAs can also work collaboratively with local landlords forums, offering and receiving training and good practice sharing. It may be argued that more could be done to fully utilise the skills and resources of RSLs in particular, but this requires LA resource/capacity to manage the partnerships and use legal and financial resources. In some areas there has been limited interest from RSLs due to the prohibitive costs and requirements for adapting these properties to WHQS standards making the financial payback options unviable.

Is enough being done to ensure empty properties can be brought back into use as affordable homes? Are there examples of good practice in this area?

28. The option to administer an In-house social lettings agency, offering advice and support with minor property improvement works, tenant finder schemes and a full property management services for affordable homes, can be beneficial, but again is heavily reliant on staff resources.

29. Examples of good practice include:

- Carmarthenshire - Long term empty property acquired by a landlord from an auction, following LA enforcement action and subsequently enforced sale. As landlord was living away, a full project management service was offered, in tandem with Houses into Homes, to fully renovate the property to a good lettable standard. The property was then offered to the in-house letting agency and successfully managed and offered as an affordable home, to prospective tenants on the Housing Choice Register.

- Swansea – a long-term empty property above a commercial unit in a prominent location in the city centre. The landlord had funding from both the Vibrant and Viable Places programme and an interest free HiHL to help develop the site as part of the City Centre regeneration. A good example of joint working between Environmental Health, Housing and Regeneration colleagues within the LA and Welsh Government in supporting a private landlord to bring life back in to a very run-down building and providing new flats in the private rented sector.
- Ceredigion - The most effective to increase affordable housing supply in this area is by direct purchase, however the Council has very limited resources to support this activity. A 'fee free' loan (saving of £1,500 - £2,200) is available if the owner offers the property as affordable, but the owner usually would rather pay the fee and not be tied in to restrictions.
- All of Gwynedd's 'Grant' aided schemes have conditions attached where owners agree to rent out property at affordable LHA rates for a period of 5 years.
- Wrexham has recently successfully enabled a row of derelict unfinished properties to be bought by Wales and West Housing Association. They have subsequently been demolished and will be replaced by affordable housing. The Council is also working on a project to buy back some ex-council properties sold under Right to Buy legislation when they come back on the market. This is dependent on there being demand for that type of property.

Is the power to charge a council tax premium on long-term empty homes a useful tool and is it being effectively used? If not, how could this tool be made more effective?

30. Currently council tax legislation states that a 50% discount will be applied to an empty property (Section 11 of the Local Government Finance Act 1992) after an exemption period has ended. Section 12, inserted in 2003, makes provision for the Council to vary the discount for empty properties or give none at all. The Housing (Wales) Act 2014 introduced the discretionary power to charge an additional council tax premium on long term empty homes. In making these discretionary decisions to vary the discount and/or premium a local authority would have regard to local policy objectives. Many local authorities do not apply a premium . For those that do not apply a premium there is a potential disincentive in the funding system in that RSG is assessed on 100% base regardless of any local decision to keep or remove discount. . For those that do implement a premium there remains a difficulty in collecting the higher charge. The Distribution Sub Group is currently looking at this issue and a recommendation will be in its next report.

APPENDIX 1

Examples of the use of enforcement action are shown below:

- Property empty for 5 years following damage caused by previous tenants. Landlord in negative equity following a purchase during the housing market peak and unable to re-finance the property. Houses into Homes considered initially, but loan to value ratio outside of the scheme parameters. Owner on-board, wishing to work with LA. To secure funding, Improvement Notice served by agreement, as a mechanism of covering improvement works required to bring the property up to a habitable standard. Owner in agreement and conceded that LA would have to undertake works in default, by agreement. Improvement works project managed by LA, through to completion. Financial charge secured, which takes the form of a priority charge and moves ahead of the existing mortgage. EDMO applied for, as a mechanism of recovering debt incurred through improvement works. Property handed to in-house letting agency and rental income offset against debt by agreement. Property currently offered as an affordable home, to prospective tenants on the Housing Choice Register and will be debt free within 5 years. Property improved and restored as an asset to the landlord. Landlord continues to pay mortgage liability.

Total duration of time from enforcement action, works in default, to property being tenanted – **3 years**.

Interim EDMO application submission to RPT – **481 pages**.

- Long term empty property where LA has exhausted 7 years of informal action, without success. Formal action taken by serving split

improvement notices under the Housing Act 2004. Empty property owner appealed decision through the Residential Property Tribunal, claiming no hazards exist at the property. From the date of inspection, a period of 5 months elapsed, prior to hearing. During this time, compliance period far elapsed and hazards remain at property with LA powerless to act.

RPT confirmed enforcement action and original periods as stated on original notices served a full **6 months prior** can now commence.

Appeal defence submission documentation – **548 pages**.

Property remains empty.

- Long-term empty mid-terrace property, with leaking flat roof, rainwater goods and chimney stacks in poor condition, structurally unstable. Landlord very unwilling to co-operate. Housing Act 2004 split improvement notices served. Following non-compliance with notices, works in default process instigated, to include party wall responsibilities and Construction (Design & Management) responsibilities engaged. Full tender process and project management duties undertaken, with defects affecting adjoining properties addressed. Internal deficiencies suspended, as property is empty and do not affect occupiers.

Financial charge registered locally and restriction placed on Land Registry title. Owner of property refused to pay debt and enforced sale procedure instigated. Property sold at public auction and debt recovered without challenge. Property purchased by Developers, however still empty due to internal works. Developers engage with LA and renovate internally with a view of selling on completion. Property sold, and now provides a family home.

Duration from enforcement action to property occupied – **2 years, 3 months**.

- Gwynedd Council has undertaken 4 enforced sales in the last 4 years, and many others are in hand, many of which have been on their hands for many years, due to ownership issues and the general lengthy process involved in enforcement relating to empty properties. To enable enforced sale of a property, Housing Department depends on other Departments within the Council, and their lack of resources can also have an effect on the length of the process. The LA has only one empty homes officer and does not have the resources to undertake lengthy processes such as EDMOs.
- Wrexham County Borough Council has recently been successful in working with the Duchy of Lancaster (DOL) and the Treasury Solicitors

to bring very long term empty properties back into use. Both cases took a significant amount of time and resources to achieve though the outcome has been very beneficial with one property sold to private developers and now providing much needed private rented accommodation. The second site involved the demolition of three large houses in a village centre and the site will shortly be developed into high quality affordable housing by Wales & West Housing Association. The solicitors for the Treasury and DOL were helpful though the process was lengthy.

Examples of the use of informal action, which can prove efficient but continue to be staff resource intensive:

- Generally, following empty property owners' engagement, Empty Property Officers work closely with the in-house Social Lettings Agency, providing a property survey and advisory schedule of works, to bring a property up to a good lettable standard. Property is improved by landlord or by assistance from the team and let as an affordable home to prospective tenants on the Housing Choice Register. Property is managed by Simple Lettings (Carmarthenshire).
- Long term empty property within an area of housing need. Developer who works closely with the LA acquired the property at a public auction, and sought planning consent to sub-divide the property. Developer was supported by Houses into Homes, to renovate the building, which was subsequently handed back to the LA as temporary accommodation. LA obtained full nomination rights.
- Long term empty property in a poor condition. Positive engagement from an elderly owner, who subsequently was presented with extensive advice, guidance and support. Property was offered for sale at a public auction, following a LA referral. Property sold to a developer, who subsequently renovated and offered the property to let.

National Assembly for Wales

Equality, Local Government and Communities Committee - Consultation on inquiry into empty homes

Response from Swansea Council

In response to the consultation on the inquiry, Swansea Council can provide the following information following the specific queries posed in the Committee Chair's consultation letter.

1 Is enough being done to tackle empty properties in Wales? If not, what needs to change?

1.1 There is a wide range of activity taking place to tackle empty properties, but for local authorities facing ongoing financial pressures, this work has to be assessed and prioritised at a local level. Successes are often only achieved after a long period of time and the work supporting property owners who are often reticent or nervous about selling, refurbishing or letting their properties or taking enforcement action with reluctant or untraceable owners is resource intensive.

2 What impact can empty properties have on a community?

2.1 Long-term and poor condition empty properties can have detrimental effects on neighbouring properties either directly via statutory nuisance type issues (e.g. water ingress, dry rot etc.) or indirectly by creating areas which attract fly-tipping, break-ins and rough sleeping, cannabis factories and unsightly run-down premises. Empties impact the mental health of neighbours, making them feel less secure in their own homes and can blight an area, negatively affecting property prices.

2.2 A large number of empty properties in a community can disrupt community cohesion, breaking down relationships and creating a barrier to a long-term sustainable community. In such situations, viability of local schools, shops and mixed communities may be adversely impacted.

3 How effectively are local authorities using the statutory and non-statutory tools at their disposal to deal with empty properties?

3.1 Housing Renewals and Adaptations: Swansea Council has used the non-statutory Welsh Government Houses into Homes Loan funding (superseded by the Landlord Loan scheme) since 2013 to bring empty properties back into use. To date 60 empty premises have been brought back into use creating 123 units of accommodation. £2,403,445 has been invested locally.

3.2 Local authority capital funding has been used to provide Grants for Nominations to bring empty properties back into use conditional upon the

Council having nomination rights for up to three years at local housing allowance rent levels. £738,534 has been invested, bringing 41 empty properties back into use over an eight-year period. The scheme was however withdrawn at the end of the 2018-19 financial year due to capital funding pressures.

- 3.3 Regeneration: Swansea Council has provided Homes Above Shops Grant assistance within the Welsh Government Vibrant and Viable Places programme to convert empty commercial premises above shops into housing in the city centre. The Targeted Regeneration Investment Programme has now superseded this. The Building for the Future grant programme is available to convert empty premises into housing accommodation in the city centre.

4 Do local authorities need additional statutory powers to deal with empty properties? If yes, what powers do they need?

- 4.1 Powers available under Housing Act 2004 relating to empty dwelling management orders (EDMO) are currently not often used, due to the ongoing management responsibility, which falls to the local authority, and the up-front financial costs, which are often needed to improve the condition of the property to a standard ready for letting. Swansea Council was the first in Wales to use the EDMO powers with an empty property where the owner appears to be in Hong Kong, but cannot be traced further and whom has never responded to any communication. The EDMO has been renewed, but this does pose the dilemma as to what will happen to the property in the longer term.

- 4.2 Whilst there is a call from some quarters for more statutory powers to force owners of empties to sell their properties, this has to be proportionate and balanced against private interests.

5 Are owners of empty properties given the support, information and advice that they need to bring properties back into occupation? If not, what additional help do they need?

- 5.1 Information is available on the Council's website and information leaflets are available. The various funding schemes are regularly advertised on Council's social media sites. Officers provide advice and assistance as part of their wider private sector housing roles. At the beginning of each financial year, targeted information is sent to owners of long-term empty dwellings inviting them to contact a named officer for further advice.

6 Is there sufficient awareness of the practical assistance that local authorities can offer to owners of empty properties? If not, how could this be improved?

- 6.1 As mentioned above, at the beginning of each financial year, targeted information is sent to owners of long-term empty dwellings inviting them to contact a named officer for further advice. Swansea Council is currently reviewing how various parts of the authority work together to present

information to property owners and how far that practical assistance can extend, working with third sector partners such as The Wallich.

7 Are the skills and resources of housing associations and the private sector being fully utilised to tackle empty properties?

7.1 EON has an empty property project management service, however capital funding is required to fund this service. Current capital funding pressures make this difficult. More work could be done with housing associations utilising their management skills to lease and manage long-term empties.

8 Is enough being done to ensure empty properties can be brought back into use as affordable homes? Are there examples of good practice in this area?

8.1 Our previous Grants 4 Nominations scheme ensured accommodation was available at local housing allowance rates. The Welsh Government landlord loans scheme also has this provision, however it is anticipated that take-up will be limited, as the landlord is required to agree to a 10-year nomination condition. For many landlords, this will be too long a period and will affect their future options for their properties.

8.2 There are examples of good practice, which include:
Property A – a long-term empty three storey semi-detached Victorian villa on a busy road in a popular residential area close to a large secondary school and hospital. The property was run-down and detracted from the street scene and had been the subject of complaints.

8.3 Houses to Homes loan funding was provided to convert the property in to two units: a five bedroom (one en-suite) HMO with shared kitchen and living space and a one bedroom garden flat. Extensive work was required to renovate the property to a high specification and the structure is now compliant with modern standards. This previously empty property is now available for six households at affordable rental cost.

8.4 Property B – a long-term empty two-storey property above a commercial unit in a prominent location in the city centre. The landlord benefited from funding from both the Vibrant and Viable Places programme and an interest free Houses into Homes loan to help develop the site as part of the City Centre regeneration plans in Swansea. This was a particularly good example of joint working between Environmental Health, Housing and Regeneration colleagues within the Council and Welsh Government in supporting a private landlord to bring life back in to a very run-down building and providing new flats in the private rented sector.

9 Is the power to charge a council tax premium on long-term empty homes a useful tool and is it being effectively used? If not, how could this tool be made more effective?

9.1 Whilst Swansea Council has not implemented a long-term empty home premium to date we are about to undertake consultation with a view to

introducing a premium from April 2020, hence we agree that it is potentially a useful tool. At present long-term empty home owners receive a 50% council tax discount on their properties so could be subject to a fourfold increase in the amount of council tax payable depending on the local premium the authority determines to impose. This is likely to be unpopular with those affected and may encourage some owners to sell or rent their properties. It will also adversely affect those owners who are already struggling to finance the works required to improve their properties hence it is important to ensure help is available to owners who cannot afford to simply market their properties and possibly avoid a council tax premium charge.

- 9.2 It would be a useful tool to allow some of the additional revenue from the premium to be used to tackle empty properties by way of funding new staff (empty property officer) and grant support.

May 2019

Vale of Glamorgan Council response to the Equality, Local Government and Communities Committee inquiry into empty homes

1. Is enough being done to tackle empty properties in Wales? If not what needs to change?

The Vale of Glamorgan Council (the Council) is doing its best to encourage empty properties back into use and is using offers of assistance and positive interventions. However, the Council has limited resource to undertake enforcement both in staff time and the right enforcement tools. It is not illegal to have an empty property and the current enforcement legislation is not sufficient to deal with high numbers of empty properties. It would be helpful if a legislative framework or additional government backing could be put in place that gives powers for interventions solely based on length empty regardless of whether a property owners pay off debts for works done in default. However, if this legislation is put into place it needs to be adequately resourced for local authorities to be able to use it e.g. regional legal specialists.

2. What impact can empty properties have on a community?

As at 1st April 2019 there are circa 800 long-term empty properties (empty over 6 months). Empty properties are a wasted resource. There is a critical need for additional affordable housing in Wales and in the Vale of Glamorgan this continues to increase as evidenced by the Local Housing Market Assessments undertaken in 2017- 2022 which shows that the annual need for affordable housing in the Vale of Glamorgan Council is 576 units per annum. Empty Homes that are not maintained can create a negative social impact on communities and have a detrimental impact on neighbours and the community. Many are in disrepair and very often attract crime and vermin and they deteriorate over time.

3. How effectively are local authorities using the statutory and non-statutory tools at their disposal to deal with empty properties?

It is felt that the Council is using non-statutory tools effectively and by only using these tools were able return 111 properties back into use for 2018/19. These tools are very useful when dealing with owners who are willing to bring properties back into use. However, there are a number of properties whose owners refuse to engage with the

Council despite repeated efforts. To our current knowledge (given our lack of staff resource in this area) these properties are not in sufficient disrepair to allow us to consider using existing statutory tools. The Council are exploring the use of Section 215 to a greater degree as this intervention is manageable compared to other enforcement options however, unless works are done in default and the owner refuses to pay off the debt, the action will not directly bring a property back into use (i.e enforced sale or CPO's).

4. Do local authorities need additional statutory powers to deal with empty properties? If yes, what powers do they need?

It is not illegal to have an empty property therefore the existing tools are not perfect to bring all empty properties back into use. If properties are significantly in disrepair, the Council can use statutory powers to resolve the issue although this does not necessarily bring the property back into use. It would be welcomed if additional statutory powers could be given whereby long term empty property i.e. over 10 years would be targeted for potential enforced sale without the need for a property to be in serious disrepair. However, it is acknowledged that this has to be backed up by staff resource.

5. Are owners of empty properties given the support, information and advice that they need to bring properties back into occupation? If not, what additional help do they need?

In the Vale of Glamorgan, the Council has focused on the guidance and assistance offered to empty home owners. This includes the interest free housing loans, information on reduced VAT on renovations, options for letting and selling as well as general support. A survey is issued periodically and empty property owners are encouraged to engage with the Council. Although this has produced favourable results in the Vale of Glamorgan, this only works with those wishing to engage and enforcement is only looked at as a last resort.

6. Is there sufficient awareness of the practical assistance that local authorities can offer to owners of empty properties? If not, how could this be improved?

In addition to the mailings and surveys the Council send to all empty home owners periodically, the Council maintain updated Empty Homes and Housing Loans webpages: www.valeofglamorgan.gov.uk/emptyhomes
www.valeofglamorgan.gov.uk/housingloans

The Council also issue information booklets and present information to landlord groups etc. and on occasion, use social media. There may be an opportunity for Welsh

Government to raise the profile of the empty homes issue at a national level i.e. a national campaign to highlight the assistance that is available across Wales.

7. Are the skills and resources of housing associations and the private sector being fully utilised to tackle empty properties?

Local authorities cannot share the data on empty homes with the private sector or housing associations without consent. The number of property owners willing to give this consent in response to this in periodic Empty Homes Surveys is very low meaning it is difficult for skill and resource to be matched and used for a large number of properties. Even when this does take place and there is interest from housing associations to purchase properties to bring them back into use, many owners have an unrealistic expectation of the value of the properties. However, the Council do circulate a number of small lists of properties to the Council's partner housing associations and private landlords where possible and have been successful in matching a property owner's need to a housing association's specialism and resource i.e. leasing scheme whereby the housing association arranges a Schedules of Work and covers the cost of work in exchange for a low cost lease agreement.

8. Is enough being done to ensure empty properties can be brought back into use as affordable homes? Are there examples of good practice in this area?

Returning empty homes into use does not solve the affordable housing supply issues in the Vale of Glamorgan but it can have a considerable impact. The Council offers interest free housing loans so that large empty properties can be sub-divided into multiple units that are generally more affordable. In addition, the interest free loan is available for a greater length of time (10 years as opposed to 5 years) for applicants that agree to let their properties via the Vale Assisted Tenancy Scheme once the renovation/conversion is complete.

9. Is the power to charge a council tax premium on long-term empty homes a useful tool and is it being effectively used? If not, how could this tool be made more effective?

The Vale of Glamorgan Council has removed its empty property discount on council tax rates on both empty homes and second homes with effect from 1st April 2019. It is hoped that this will result in a greater number of properties being brought back into use which will be monitored during the course of the current financial year (2019-2020). The

charging of a premium is something the Vale of Glamorgan Council may consider implementing in the future.

Papur 5 – Gweithgor Eiddo Gwag De Ddwyrain Cymru
Paper 5 – South East Wales Empty Property Working Group

Consultation on inquiry into empty homes May 2019
Submission by South East Wales Empty Property Working Group*

1. Is enough being done to tackle empty properties in Wales? If not, what needs to change?

1. Can always do more but as it is not a statutory duty then other matters tend to take priority.
2. Obstacles to progress seem established ones, namely resources not necessarily in terms of money but in terms of dedicated resources and legal skills to pursue viable cases
3. Lot of LAs only dealing with short-term reactive problems due to lack of resource despite knowing they have cases they could bring back into use with dedicated time and legal support as previously mentioned.
4. Legal specialist support varies from each LA and in some cases is non-existent. Private sector legal services can offer a solution but requires consent and internal politics can get in the way.
5. The figures held by council tax on empty properties need to be considered with extreme caution. When the raw data is drilled down a lot of the properties wouldn't be suitable for affordable housing.
6. Properties taken out of council tax banding often in the poorest condition but do not show up on council tax lists. Again another reason why we cannot rely purely on the data held by council tax departments.
7. Corporate buy-in is required from LAs if empty property work is to progress. Needs to be taken more seriously and requires a joined-up approach between relevant departments. This can be difficult in some LAs.
8. National Performance Indicator for empty properties relates to properties that have been vacant for more than 6 months. This time period is too short as a lot of these properties will fall back into use without our intervention. A more meaningful and realistic time period would be at least 2 years or more.
9. WG could do more in terms of practical support for LAs in the form of Empty Property Packs, leaflets and web-links highlighting the issues and the solutions available.
10. Not every LA is utilizing the discretion to charge council tax premiums for empty properties. Any surplus money achieved from this could be ploughed directly back into resourcing dedicated empty property officer and/or dedicated solicitor services.

2. What impact can empty properties have on a community?

1. Social blight
2. Wasted resource at a time of housing need
3. Depreciating asset
4. Public health issues e.g. rodents and other pests
5. Attracts fly-tipping
6. Statutory nuisance e.g. damp affecting neighbouring properties

7. Lowering house prices in the neighbourhood
8. Eyesore
9. Psychological impact on neighbours i.e. fear of crime
10. Actual crime e.g. arson, unauthorized access

3. How effectively are local authorities using the statutory and non-statutory tools at their disposal to deal with empty properties?

1. Effectiveness is resource dependent as previously stated.
2. Due to resource issues, LAs favouring quick fixes and reacting to short-term public health problems associated with empty properties which does not bring the properties back into use
3. The only current legal enforcement tools that provides for bringing empty properties back into use are EDMOs and CPOs. These are unwieldy and cumbersome and not without risk and require significant legal input. Also require specialist legal knowledge in-house to pursue. Better enforcement tools required, more streamlined and perhaps consider making it an offence to have an empty property, albeit with the obvious exemptions.
4. Enforced Sale probably the most common tool adopted rather than EDMOs and CPO as it takes less time and there are few hurdles and risks associated with it.
5. Use of non-statutory tools in terms of advice and support through empty homes loans fairly common.
6. Recognised that owners of empty properties are not the same as landlords in terms of their nature. They are wide and varied and can include the deceased, probate issues, owners with mental health problems, absentee owners who are willing to pay full council tax on the property and have no interest in dealing with it. This makes them more difficult to negotiate with and co-operation not always forthcoming.
7. Enforced sale powers which are used most commonly require LAs to achieve market rate by tasking empty properties to auction. This prevents them from tying up with HAs to provide for affordable housing.
8. Reluctance with some LA Planning Departments to use or delegate powers under s215 Town and Country Planning Act to take action against eyesores.

4. Do local authorities need additional statutory powers to deal with empty properties? If yes, what powers do they need?

1. Additional powers would be helpful.
2. As previously stated could make it a criminal offence to have an empty property (with certain caveats). It is not currently illegal to have a long-term empty property.
3. Burden should be placed on the owner of the empty property to demonstrate they are taking necessary steps to bring the property back into use
4. A more streamlined EDMO or CPO process possibly.

5. Are owners of empty properties given the support, information and advice they need to bring properties back into occupation? If not, what additional help do they need?

1. To a point.
2. GDPR is an obstacle as we are unable to provide private sector interests directly with owner details of empty properties to allow for engagement

3. Process requires a willing owner. Due to nature of empty property owner as previously described, despite best attempts in terms of contacting empty property owners they do not always respond.
 4. Agency type service may be one solution from start to finish providing project management, survey, schedule of works, loan administration, work contractors, work completion and lease agreement at the end.
 5. Most LAs do not have an approved list of contractors that can be given out to empty property owners. Reluctance to provide due to liability should something go wrong.
 6. Empty Homes Packs be useful to provide.
- 6. Is there sufficient awareness of the practical assistance that local authorities can offer to owners of empty properties? If not, how could this be improved?**
1. Can always improve.
 2. LA web pages can be improved
 3. WG can assist with information
 4. Use Rent Smart Wales and Council Tax as a means of dissemination information, where appropriate
- 7. Are the skills and resources of housing associations and the private sector being fully utilized to tackle empty properties?**
1. Probably not.
 2. Requires owner's consent to engage which can be difficult to achieve.
 3. Lease schemes already on offer by LAs utilizing private rented stock to aid in homelessness.
 4. Use of HAs in lease and repair type schemes sometimes seen as overpriced as they are seeking to achieve better standard of finish in terms of energy-efficiency and WHQS.
 5. The need to demonstrate LA achieving market value for empty property is an obstacle to handing over directly to HAs.
- 8. Is enough being done to ensure empty properties can be brought back into use as affordable homes? Are there examples of good practice in this area?**
1. Probably not but resource dependent.
 2. Take up of empty homes loans hampered by low interest rates and market competition on loan offers.
 3. Empty homes loans with extended repayment terms, in some cases 10 years, when linked to leasing as affordable homes as a condition with some LAs
- 9. Is the power to charge a council tax premium on long-term empty homes a useful tool and is it being effectively used? If not, how could this tool be made more effective?**
1. A useful tool in some cases but not deployed by all LA council tax departments.
 2. Some concern that empty homes will fall off the CT lists.
 3. Early days to judge or measure its effectiveness and there appears to be some game-playing by some owners of empty property owners.

4. Politically not always favourable arguably a vote loser.
5. As previously stated, any surplus could be redirected to fund empty property officer resource.
*South East Wales Empty Property Working Group is made up of EHOs and other Housing Practitioners with an interest and responsibility for tackling empty homes. It is a sub-group of the All Wales Housing Expert Panel.

The Group is represented by local authorities from Torfaen, Monmouthshire, Newport, RCT, Blaenau Gwent, Caerphilly, Powys, Bridgend, Cardiff and The Vale of Glamorgan.

Its purpose is to share good practice and working experiences and to ensure consistency where possible in enforcement and the support to owners of empty properties.

Agenda Item 7.1

Equality, Local Government and Communities Committee

3 July 2019 – papers to note cover sheet

Paper no.	Issue	From	Action point
ELGC(5)-21-19 Paper 6	Benefits in Wales: options for better delivery	Mark Isherwood AM	To note
ELGC(5)-21-19 Paper 7	Scrutiny of the Future Generations Commissioner	Sophie Howe Future Generations Commissioner for Wales	To note
ELGC(5)-21-19 Paper 8	Empty Properties	Equality, Local Government and Communities Committee – Empty Properties: Summary of survey	To note

Papur 6

Paper 6

Dear John,

The Cross Party Group on Funerals and Bereavement regularly discusses the Social Fund and the support it offers to bereaved people in Wales.

At our last meeting, the Group discussed the introduction of the Funeral Expense Assistance (FEA) later this year in Scotland. The Group supported the decision by the Scottish Government to increase by inflation on an annual basis the capped element of the current social fund funeral payment and called for a similar approach to be adopted in Wales. The Group agreed that we should write to you due to the current inquiry by the Equality, Local Government and Communities Committee into 'Benefits in Wales: options for better delivery'.

At our next CPG meeting on 10 July 2019 at 6pm, the Scottish Inspector of Funeral Directors will be speaking to outline the work she has undertaken in Scotland.

If you are available to attend, I hope the discussion will provide valuable insight on the steps the Scottish Government is undertaking.

We hope that you and other members of your Committee can attend on 10 July.

Thank you.

Regards

Mark Isherwood AM

Chair, Cross Party Group on Funerals and Bereavement

By email

26/06/2019

RE: Gohebiaeth gan y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau | Correspondence from the Equality, Local Government and Communities Committee

Dear John,

Thank you for your letter dated 23 April.

Please see below the information you requested.

National Indicators and Milestones

You asked in relation to the national milestones to assist in measuring progress towards achieving the well-being goals set out in the Well-being of Future Generations Act:

- **We would be grateful for your view as to whether the Welsh Government's approach to developing milestones by selecting a small number of indicators to apply them to, as opposed to all 46, is in keeping with its duties under the Act;**
- **Please could you outline whether you believe any revisions need to be made to the existing set of 46 national indicators. If so, what should the revisions be?**

I welcome the approach officials have taken in engaging on the proposed criteria to set milestones and views on the existing indicators in an effort to model the five ways of working and improve involvement within the process.

I understand they have provided a number of opportunities for interested parties to engage alongside the online consultation. I appreciate the work that has gone into identifying the original 46 indicators, and the current proposed selection of 15 indicators among those against which milestones could be developed. This is a difficult task.

In general, I agree with the proposed five essential criteria for selecting the national milestones as outlined within the consultation document and welcome how they are linked to the five ways of

working, however, I have recommended additional criteria that the milestones should be easily communicable.

My office has liaised with the members of my Advisory panel, alongside other interested parties, who have shared their views regarding setting milestones against specific indicators. These views are outlined within my response to the consultation, and I believe some of the concerns highlighted would be mitigated by my proposal to set headline milestones, which would apply to a suite of indicators. I have suggested that there is a case for aligning the milestones with my priority areas which were set following extensive consultation and engagement and involvement of a range of stakeholders and experts. These areas have been selected as areas which, if the right sort of progress is made, have the biggest potential to drive progress across all the wellbeing goals. These could then be used within the grouped themes of: Early Years; People's Health and Well-being; Good Jobs; Fairness and Living Standards; Involved and Responsible Communities; Language and Culture; Low Carbon Economy; Healthy Ecosystems, as proposed within my response to the consultation on the national indicators in 2015.

Whilst I appreciate that national data may currently be lacking in some of the suggested areas, I have invited further engagement on how the Government can be supporting measurement which is future focused.

In my 2015 response, I raised specific concerns regarding the disaggregation of data by protected groups and the inclusion of children. Whilst I understand some progress has been made, I am aware that the Children's Commissioner has raised her concerns regarding reporting arrangements for indicator 6 'measurement of the development of younger children'. I very firmly believe that it is essential to understand and measure the views and experiences of children and young people, it is also vital that indicators are capable of disaggregation by all of the protected equality characteristics and by socio-economic group as we must be able to understand whether certain groups are being left behind.

I have requested that I am updated by Welsh Government on the progress in this area.

Officials have committed to meeting further following the closing of the consultation to explore further my proposed approach and to model what the milestones could look like in practice, which I look forward to doing in due course.

As you are already aware, my office has been working with Welsh Government specifically on the revisions for indicator 46, we look forward to a positive resolution.

Future Generations Report

In relation to the first Future Generations report, which you are due to publish by May 2020, please could you outline:

- **Whether you have commenced work on the development of your report, and if so, how it this work progressing?**

Work on the Future Generations Report started in January 2019. I have established a specific team in my office to deliver on this and all my work across the current year and previous years will feed into the report. I have launched a national conversation specific to the Future Generations Report called '[Our Future Wales](#)' which will include open meetings, closed meetings, online portals including information in BSL and social media interaction in addition to my permanent online listening platform called the people's platform which I launched in June 2019. I have started planning specific meetings with all the statutory consultees and some meetings have taken place throughout Wales, so far in Bangor, Wrexham and Carmarthen. I have developed a range of resources for community groups and schools to use to undertake engagement events themselves and I invite the members of this Committee and all AMs to take part and to encourage their constituents to join in the conversation.

As well as undertaking extensive engagement myself, I will be applying the five ways of working, I will use information which has already been published such as for example the well-being assessments, consultations undertaken by other stakeholder (including the Children Commissioner's latest survey).

- **How will you be involving stakeholders in the development of your report?**

See above. The Act is very clear on who I must involve as part of informing my FG Report – section 24 lists the following consultees: the Commissioner's Advisory Panel, each public body, representatives of voluntary organisations in Wales, any person the Commissioner considers is taking steps to meet the goals or representing the four pillars of well-being, representatives of residents in each local authorities, the third sector, business sector, trade unions, citizens living in local authorities in Wales. This is a huge task and I have already started engaging with these groups since I took post. To walk the talk, using the five ways of working I will also write in the next month to all Assembly Committee Chairs and heads of Welsh Government's departments seeking for their views and evidence they would like to provide. The Committee might also like to know that I am currently working with the WCVA on a Memorandum of Understanding to ensure I have a maximum interaction with the third sector. I am also working with universities, Wales Audit Office and many partners which are stakeholders in this stand of work.

My specific campaign Our Future Wales uses the good practice used during the Wales We Want campaign. We have created information packs and resources for organisations to use in their own time and to feed back to us before the 1st of November 2019. I will hold specific events across Wales, participate in a multitude of events organised by relevant partners but also seek to use innovative and modern ways of engaging such as sentiment mining or twitter chats.

Budget and Prevention

We are aware that you published advice to the Welsh Government, including ten recommendations where you believe its budget needs to take more ambitious and transformational steps from this year onwards.

- **Has the Welsh Government formally responded to your advice on taking account of the Well-being of Future Generations Act in the budget process?**

Welsh Government have not published a response to my advice, but I have had two meetings with the Minister for Finance and I am expecting to meet her again in July.

I am focusing my monitoring of the budget in three areas:

- Developing a Journey Checker on the budget process, demonstrating what can change starting with simple changes, then more adventurous change and finally transformational change. Welsh Government have been receptive to working with us on this so far.
- Prevention: Using the definition of prevention agreed by Welsh Government last year, focusing on how Welsh Government's budget process is prioritising investment in prevention; and monitoring this.
- Decarbonisation: Following the publication of 'Prosperity for All: A Low Carbon Wales' and the recent declaration of a Climate Emergency, assessing the level of investment needed to support the level of ambition; and monitoring this. You will be aware that I have recently published a [10 Point Plan](#) for funding the Climate Emergency which inform this work.

Decarbonisation

The first of the Welsh Government's decarbonisation plans was published on 21 March, please could you outline:

- **Whether, in your opinion, the Low Carbon Delivery Plan gives sufficient consideration to and adequately reflects the well-being goals, five ways of working, and the Welsh Government's well-being objectives?**

I am pleased to see considerable focus on the Well-being of Future Generations Act within the plan, which reflects the emphasis placed by the Decarbonisation team within Welsh Government on following the 5 Ways of working and reflecting the 7 well-being goals and their own well-being objectives.

Part 4 of the Plan – methodological approach – sets this out in detail. The use of the Act is shown by the fact that:

- They have developed a well-being policy development tool (or matrix) to help explore the social, cultural, economic & environmental impact of potential decarbonisation actions. It prompts consideration of the five ways of working, well-being goals & well-being objectives relating to a broad range of areas including jobs, air quality, community cohesion. It identifies expected impacts and suggests where policies can be strengthened in relation to one or more of the well-being goals.
- There is a spotlight on the 7 well-being goals throughout the plan, and for each sector they set-out the evidence from the well-being appraisal that they've followed using their well-being matrix.
- They have also set out how the Ways of Working and considering the well-being goals have guided the development of the Plan – they have adopted the 5 Ways of Working to guide and shape their plan, for example:
 - o Prevention: establishing a Climate Justice Advisory group to ensure a transition that is equitable and avoids unintended consequences;
 - o Integration & collaboration: Decarbonisation is now a cross-government priority, so governance includes a Ministerial Task and Finish group, a cross-government Programme board, and also internal and external cross-sector to facilitate collaboration;
 - o Involvement: they have involved range of stakeholders throughout process.

I am encouraged by their approach, particularly given this is a long-term challenge, but I do feel that ambition, scale and pace of change, needs to accelerate over the next few years, focusing on what can be achieved urgently and over the coming decade to avoid the climate breakdown predicted by the IPCC.

Since the plan was published the Welsh Government has declared a climate emergency, the UK Committee on Climate change has published further advice recommending UK and Welsh Government's increase the target to 100 and 95% (emission reduction) respectively, so future plans will need to be far more ambitious than this one.

- **What changes would you expect to see in how the next plan is prepared, and in the policies and proposals contained within it?**

The Plan is comprehensive and covers a wide range of policies and proposals given the timescales (it is only to 2020). It sets a good foundation, but we will need to see future plans being more ambitious if we are going to address the 11-year window of climate emergency and the ambition of reducing emissions to zero not just 80%.

I believe that their approach, of following the Ways of Working and reflecting the well-being goals and objectives, has resulted in a robust and holistic programme of action and I would encourage them to continue with this work for future plans.

I am also pleased to see a focus on equity and climate justice through the establishment of a 'climate just' advisory group and the announcement of £5 million funding from the ESRC for a new Centre to focus on research into behaviour change on decarbonisation. It is positive to see a strong focus on people and behaviour change however people also need to see that things are actually changing – for example if the majority of new houses being built in Wales are not being built to zero carbon standards, and Welsh Government have the power to set better standards in Wales, why aren't they enforcing these? Again, it is positive to see actions in the plan around setting higher standards for new builds, driving innovation through our Innovative Housing programme, and funding through Sustainable buildings policy, but this is something that could and should have been done 10 years ago so we need to see radical change – e.g. all new homes to be zero carbon, and quickly.

In my response to their consultation last Summer, I highlighted areas I felt were not ambitious enough – for example in the transport sector. Welsh Government's proposed actions did not include anything on public transport whereas the plan now includes:

- proposals to achieve a modal shift from car dependency to sustainable forms of transport,
- significantly increasing modal share of active travel for short journeys,
- using planning policy to promote sustainable travel and reduce the need to travel, and
- increasing travel by rail & bus.

Although their proposals in some sectors (e.g. transport) have improved in the final plan compared to the ideas proposed in the consultation, action and investment to support the significant change that's needed such as modal shift now needs to follow.

There are other areas such as zero carbon new homes which have been discussed and considered for many years – Low Carbon Wales includes a policy to "Set higher energy efficiency standards for new

builds through reviewing Building Regulations Part L (Conservation of Fuel and Power)” but we now need to see firm commitments being made urgently.

As mentioned above, since publishing the plan in March, Welsh Government has declared a “climate emergency”, and the UK Committee on Climate Change has recommended more ambitious targets, so I am expecting future plans to be more ambitious and include stronger commitments such as, for example, restricting car use in urban centres to tackle climate change and air quality issues, further investment in decarbonising housing stock and a closer link between the steps that need to be taken to halt ecological decline especially in those areas such as peatland restoration and tree coverage which also have a positive impact on carbon reduction.

Whilst these proposals are welcome, we now need to see investment to support these actions and this has not been articulated in the Low Carbon Plan. On 21 June 2019, I published my [10 Point Plan](#) on funding Wales’ climate emergency – this contains proposals for areas of investment that should be prioritised by Welsh Government to support their declaration of a climate emergency and in total we recommend £991 million should be earmarked in the next Welsh Government budget (2020-21) to support decarbonisation.

Anomalies in the Well-being of Future Generations Act

During the meeting you referred to anomalies in the Act in relation to your duties in monitoring and assessing public bodies’ progress in meeting their well-being objectives whilst having no advisory role in setting those objectives. You also referred to your duties in advising Public Services Boards on setting and monitoring their well-being plans but that you have no duties on monitoring and assessing progress.

- **It would be very helpful if you could provide further details on where you believe there to be anomalies in the legislation.**

I am required to advise one group (PSBs) as they set their well-being plans with no duty to monitor progress while in parallel I am required to monitor progress towards objectives set by the other group (Public Bodies) for which I did not have any duty to provide advice in their preparation.

I am also in discussion with the Wales Audit Office on the issue of our scrutiny functions and I am thinking of possibly including in my Future Generations Report to be published next year, potential suggestions in relations to such anomalies.

- **In terms of organisations covered by the Act, what is your view on Transport for Wales being added to the list of public bodies in the Act, given its role in delivering Welsh Government policy?**

To date I have worked with Transport for Wales effectively embed the principles of the Act in the procurement process for the rail franchise. It is my view that duties from the Act extend to bodies funded by Welsh Government and this should be set out clearly in their remit letters. However, for the avoidance of doubt and given the significance of Transport for Wales in delivering the aspirations of the Act I would support any steps to clarify that they are bound by the Act that could be taken by the Government.

Climate change

We also discussed with you the opportunities available to NGOs to engage with your work since the Climate Change Commission for Wales was disbanded.

- **We would be grateful if you could provide details of how you take account of the views of those NGOs with an interest in climate change in your decision making, and clarity as to which of the functions previously undertaken by the Climate Change Commission in advising the Welsh Government have been absorbed into your office and which have fallen away.**

Involvement is a key principle within the Act and since my office was established it has been a key focus for all our work.

In line with my duties under the Well-being of Future Generations Act I have collaboratively worked with a range of stakeholders to define my areas and focus and to fulfil my duty to promote the sustainable development duty. This which includes environmental well-being and highlighting climate change as the key issue facing future generations.

In relation to third sector and NGOs, over the last 3 years my office and I have involved many such organisations for example they were part of stakeholder events and meetings organised across Wales in 2016 to establish my priority areas and subsequently third sectors organisations have been involved in every key piece of work undertaken by office – for example in developing my approach to monitoring and assessing, the work that I am currently undertaking on skills, work on developing a [10 Point Plan](#) on funding the climate emergency amongst others. A range of third sector partners and others were involved in the framing of the 4 main challenges facing future generations, one of which was climate change, and have been engaged in taking work forward on these priorities such as housing and

transport over the last few years. I have also entered in partnerships in my Art of the Possible programme to set out a wide menu of inspirational steps public bodies could adopt to achieve the national goals. Several partners were from the NGO/Third sector, and the goal convenor for a More Resilient Wales journey in particular was tasked to involve widely the sector in our work.

To give you more examples of my interactions with the sector, I have engaged with NGOs with an interest in climate change through a number of conferences, events and activities including:

- Presenting at the UK Environment Links conferences, organised by Wales Environment Link, in 2016 and 2017
- Presenting at the Renew Wales conference in 2016
- Engaged with, and presented to, the Assembly Committee on Climate Change, Environment & Rural Affairs (CCERA) climate change expert reference group to discuss our work in 2017 – a number of NGOs are represented on this group
- Co-organised and co-hosted two Zero Carbon Wales workshops with Centre for Alternative Technology, WCVA and WWF (2017)
- Organised a roundtable to inform our response to the Assembly inquiry on “Low Carbon Housing” (2017) inviting a range of stakeholders including WWF, Energy Savings Trust, One Planet Development, Rounded Developments, Community Housing Cymru, Melin Homes, National Energy Action
- Supported Welsh Government stakeholder workshop to inform the development of their well-being matrix – NGOs including FoE Cymru, WWF, WEL were invited to attend
- Supported the organisation of a Climate Just workshop in Cardiff (2018) – invited several NGOs to attend this
- Writing a letter to all Cabinet Secretaries to remind them of their duties under WFG in relation to climate change – this letter was informed by FoE and WWF
- Key Note Speaker at the British Ecological Society/UK Conservation Agencies Symposium: Securing Our Natural Environment for Future Generations (May 2018)
- Spoke at Wales Biodiversity Partnership Conference (September 2018) and Llais Y Goedwig Annual Conference (2018)
- Commissioned Sustrans to support research & produce a report – [Transport Fit for Future Generations](#)
- Organised a roundtable to inform our response to the consultation on Low Carbon Pathway – range of stakeholders invited to attend including Renew Wales, Community Energy Wales, FoE, WWF, Wildlife Trusts Wales, WCVA, Interlink, Groundwork, WEL, Cynnal Cymru (Sept 2018)
- Supported IWA's 3-year Re-energising Wales project, through membership of the sub-group focussed on community benefits

- Worked with many NGOs to develop a [10 Point Plan](#) to fund Wales' climate emergency – including WWF, FoE, WTW, Sustrans, Ynni Sir Gar, Cynnal Cymru, IWA
- Developed strong partnerships with Wildlife Trusts Wales, Wales Co-op centre, United Welsh Housing Association, Fairtrade Wales, Interlink who seconded staff into my office (2018-19) to work on the Art of the Possible programme to develop resources for the seven well-being goals and involvement

In relation to the second part of the question, the Climate Change Commission was established in 2007 to advise Welsh Government, build agreement on action needed, mobilise sectors and share advice and good practice. It brought together key sectors and organisations to tackle the challenges of climate change in Wales.

[Peter Davies reflecting in 2017 on the former work of the Commission said:](#)

“The legislative structure is stronger, but experience indicate that implementation can be bureaucratic leading to slow change on the ground. For example, virtually all recommendations of the Land Use and Climate Change group were accepted by Government but were never fully implemented. Equally the potential of the Active Travel Act has yet to be fulfilled through effective implementation and provides an illustration of this point.”

The Well-being of Future Generations Act sets out that I may provide advice or assistance to a public body, including providing advice on climate change. My budget was modelled on that of another commissioner's office and did not include additional funding to cover the running costs of the Climate Change Commission in Wales.

Having said that, I have advised Welsh Government since early 2017 on the development of their Decarbonisation programme including supporting them on how to embed the five ways of working and consideration of the seven well-being goals into their approach as I explained in my evidence sessions in front of the Committee and in this additional evidence. As I do, I have provided both support and challenge to the government in relation to climate change. Latest in date, on the 21st of June, I published my advice as to the amount of funding which Welsh Government would need to spend to realise the Climate Change ambitions we have in Wales.

And in addition to this, I have been working collaboratively with, and involved, a range of stakeholders in my work on decarbonisation and other priority areas as detailed above.

Following the Act, I would like to stress that we need to address every issue in a holistic manner, and to take great care to avoid silo working or narrow consideration. The reason that I have set the areas of

focus I have is because these are the areas most likely to drive the biggest change across all the wellbeing goals – for example land use, planning, decarbonisation, housing and transport are essential to tackling climate change and meeting our carbon emission targets. There are also significant economic opportunities by focusing in these sectors if we focus on developing the right skills in Wales. It is important in my view that we look at the driver for change holistically (as indeed the Act requires). Taking a siloed approach would be counterproductive and would undo what the Wellbeing of Future Generation Act does, which is to connect issues between 7 goals on an equal footing.

I am currently in discussion with the WCVA about developing a MOU which will set out future arrangements for working through them on specific areas of joint interest.

Thank you again for contacting me. I hope you will find this information useful.

Yours sincerely,



Sophie Howe
Future Generations Commissioner for Wales

Empty Properties: Summary of survey

July 2019

Papur 8
Paper 8

The Equality, Local Government and Communities Committee launched an inquiry into Empty Properties in April 2019. As part of its inquiry, the Committee conducted a survey which was aimed at the general public.

Survey promotion and analysis

The aim of the survey was to hear from as diverse a range of Welsh citizens as possible. The survey was promoted extensively through a variety of channels:-

- Through the networks of key stakeholders;
- On the National Assembly for Wales' website and social media platforms, including focused advertisements which enabled us to target audiences in areas where we tend to get less survey responses;
- People visiting the Senedd during Eisteddfod yr Urdd (27 May - 1 June 2019) were encouraged to complete the survey;
- People taking part in Assembly Education and Youth Engagement visits, outreach sessions and visits to the Senedd and Pierhead, which ensured that a section of those who responded to the survey were not self-selecting.

To compile this summary an in-depth analysis of a complete data set was conducted; all data can be sourced to individual responses and further analysis can be undertaken upon request. Each question in the survey is addressed in turn.



Results are calculated from the number of respondents who answered the specific question and not the overall number of respondents to the survey, of which there were **403 responses** in total.

1. Do you own an empty property/ properties?

95.0% of respondents to this question did not own an empty property/properties.

5.0% of respondents to this question owned an empty property/properties.

2. Do you live near an empty property/ properties?

64.4% of respondents lived near an empty property/properties, whilst 18.7% of respondents did not live near an empty property/ properties.

16.9% of respondents did not know if they lived near an empty property/ properties.

3. What impact does the empty property/ properties have on your community? (select all that apply)

'Physical appearance of the property is a blight on the community' (60.9%) was the option most commonly selected by respondents to this question, followed by *'Physical appearance of the property is off-putting to potential buyers' (59.6%)* and *'Physical impact on neighbouring property/ properties (for example, broken or blocked guttering causes a damp problem in a neighbouring property)' (54.6%)*.

45.5% of respondents selected *'Environmental health issues (for example, attracting rats or waste)* with 40.5% of respondents selecting *'Attracts anti-social behaviour (for example, arson, vandalism and/ or squatting)'*.

31.4% of respondents selected *'Value of nearby properties has decreased'* with 30.9% selecting *'Contributes to the general decline of the area which has meant there's a low demand for housing.'*

8.2% of respondents selected *'No impact.'*

14.6% of respondents selected *'Other (please specify)'*. Some of the answers given were as follows (please note that the following is a sample of the responses received. All responses are available on request):-

"Local sense of sadness"

"Loss of community – it's much nicer to have neighbours!"

"Doesn't help build community spirit"

"Stops local families living in their village and a decline in community for example a school closing"

"Not adding anything to the local economy and there is a local shortage of affordable housing."

4. Why is the property empty? (to your knowledge)

12.7% of respondents said the property is up for sale/ for rent or being repaired, whilst 11.8% of respondents said the owner inherited the property but doesn't have the resources, time or motivation to deal with the property.

6.3% of survey respondents said the owner is not able to cover the cost of making the property habitable/ saleable, with 3.6% of respondents saying that the owner has inherited the property but has not yet decided what to do with the property.

3.2% of respondents said the owner is not traceable, with 2.7% of respondents saying that the property is located above commercial premises (for example, a shop) and the owner has decided not to let the premises.

40.3% of respondents selected 'Don't know' with 19.5% selecting 'Other (please specify)'. For those who selected 'Other (please specify)', the following responses were some of the answers given (please note that the following is a sample of the responses received. All responses are available on request):-

"Tenants asked for repairs to be made, left when repairs not carried out. Property not now habitable. Owner has good job but not enough time/ motivation to put right. Has ignored offers to buy."

"The owner lives in Leicester and has not visited the property for 7 years, property has been empty for nearly 30 years"

"Feuding between rival siblings following the death of family members so it just sits there deteriorating"

"The owner of the properties is in a care home. As I understand it the owner lacks the mental capacity to make decisions regarding the properties"

"The owner has inherited multiple properties over the years and they all lay empty, he's not bothered - doesn't need the money, likes to have the assets, doesn't want the bother of being a landlord"

5. In light of the problems associated with empty properties, and the need to increase housing supply generally, local authorities have been given a range of powers to help bring empty properties

in the private sector back into use. They are also able to offer practical help and advice and financial incentives to bring properties back into use.

When you think about the role local authorities hold in relation to empty properties, do you agree or disagree with the following statement:

"I was aware of the range of powers a local authority has, and/or the practical help, advice and financial incentives they are able to offer in order to bring an empty property back into use."

53.2% disagreed or strongly disagreed with the above statement.

28.4% agreed or strongly agreed with the above statement.

18.5% neither agreed nor disagreed with the above statement.

6. Do you think local authorities need more powers to deal with empty properties and bring them back into use?

70.5% selected 'Yes', with 7.3% of respondents selecting 'No'. 22.2% of respondents selected 'Don't know.'

7. If you answered 'Yes' to the previous question, what additional powers do you think local authorities need?

Some of the answers given were as follows (please note that the following is a sample of responses received. All responses are available on request):-

"The powers rely on the empty property being a problem in some way such as rats or dangerous or very unsightly, and it is then a very slow process to intervene relying on debts building up as a charge on the property, but councils do not have the money to spend in the first place. The fact the home has been empty for over a year should be enough to justify intervention and CPO. There should be a central WG fund to support this."

"To overturn decision of 'not including' properties under NHS, Crown Estate and Universities and colleges as candidates for reoccupying a property. For example, Trenewydd House on Fairwater Road, Llandaf, Cardiff is an old NHS building, very big and unused. Legislation needs to change."

"I'm aware the Council powers are in place but appear hugely bureaucratic and take an incredibly long time to complete, extra powers could help escalate the pace of activity."

"It's not just about extra powers, it's also to do with finances. Local authorities are already struggling to provide essential services to vulnerable people. So, until they are properly funded, I think giving extra powers will have minimal impact."

"Enforcement processes are long and an administrative burden when resources are tight. Local authorities don't consider the issue of empty homes holistically and the cross service benefits. Often a one empty homes officer is left to manage the issue as best they can with little strategic priority given to the issue."

The following seven questions were completed by owners of empty properties only

8. Why is the property empty?

26.7% of respondents said they were unable to cover the cost of making the property habitable/saleable, with 20.0% saying they inherited the property but do not have the resources, time or motivation to deal with the property.

20.0% of respondents said the property is up for sale/ for rent or being repaired.

6.7% of respondents said they inherited the property but have not yet decided what to do with the property.

No respondents said their property/properties is above commercial premises (for example, a shop) and they have decided not to let the premises.

26.7% selected 'Other (please specify)' and the following responses were given:-

"Refusal to grant planning for rebuilding derelict property."

"The house (private) is two doors down from me and belonged to my late mother who died last year. Probate was only obtained late last January. When the house was purchased from my mum, compromises were made on it's condition. I had undertaken work such as fitting a new kitchen, but much delay was caused by a previous owner, one of six since being built in 1978 having a textured finish to every down stairs wall! My brother in law and I have removed the old bathroom, but need to be careful on employing trustworthy and decent tradesmen when left on their own. I work and cannot be there all the time."

"A home in the UK whilst I work abroad."

9. In light of the problems associated with empty properties, and the need to increase housing supply generally, local authorities have been given a range of powers to help bring empty properties in the private sector back into occupation. They are also able to offer practical help and advice and financial incentives to bring properties back into use.

When you think about the role local authorities hold in relation to empty properties, do you agree or disagree with the following statement:-

"I was aware of the range of powers a local authority has, and/or the practical help, advice and financial incentives they are able to offer in order to bring an empty property back into use."

50.0% of respondents disagreed or strongly disagreed with the above statement.

28.5% of respondents agreed or strongly agreed with the above statement.

21.4% neither agreed nor disagreed with the above statement.

10. Have you been given any support, information and advice to bring your empty property back into use?

14.3% selected 'Yes', whilst 57.1% selected 'No'. 28.6% said they did not need any support, information and/or advice to bring their property back into use.

11. What support or advice were you given by your local authority to bring the property back into use? (please select all that apply)

23.1% selected 'Grant, loan or other financial assistance'.

23.1% of respondents selected 'General advice and engagement with the local authority'.

53.6% of respondents selected 'None'.

No respondents selected 'Worked with Registered Social Landlords (RSLs) or other intermediary with relevant expertise in order to seek a suitable tenant for the property' and/or 'Direct third-party purchases enabled by the local authority'.

15.4% of respondents selected 'Other (please specify)'. The following were the answers given:-

"I have only been penalised financially (in terms of paying two lots of council tax) for being unable to sell which is due to no fault of my own. I am desperate to sell the house - I've been trying for 2 years but the chain keeps falling through for various reasons all of which are unrelated to my property."

"The property would not be classed as "old" - damp proofing/dry rot/new roof etc. I have the resources to make it a lovely house, but not the time."

12. What additional support, information and advice would you find useful in order to bring the property back into use?

Some of the answers given were as follows (please note that the following is a sample of responses received. All responses are available on request):-

"None - I need exemption from council tax as I am actively doing my utmost to sell it and get it back into use. Why penalise me?"

"Lots of tenants don't pay rent these days, the law is on their side. Not worth the hassle of getting them out and the damage they cause. Landlords need more rights and assistance. I'd rather now just leave the property empty."

"Any"

"Money for refurbishment"

"A list of council approved tradesmen"

13. Do you think local authorities need additional powers to deal with empty properties and bring them back into use?

28.6% of respondents selected 'Yes' with 42.9% selecting 'No'. 28.6% of respondents selected 'Don't know.'

14. If you answered 'Yes' to the previous question, what additional powers do you think local authorities need?

"Need to take account of the individual circumstances and create exemptions for those actively engaged in responsible selling."

“Detailed information regarding the planning laws as the planning department seems to disregard points raised regarding special considerations they can make.”

“This is private property. I own a private property to minimise council intervention It will be brought back into use as a desirable home, but I refuse to make myself ill in doing so.”

“Double the council tax under the regulations which are available. Take possession of property where owners have failed to pay CT for a set period.”

Demographic of respondents

Location

75.7% of survey respondents came from South Wales, with 7.5% coming from Mid and West Wales and 16.6% from North Wales.

Age

5.0% of survey respondents were aged 25 and under, 79.9% were aged between 26 – 64, with 15.1% aged 65 and over.

Agenda Item 9

By virtue of paragraph(s) ix of Standing Order 17.42

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