

# 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.