



Executive
10th April 2006

**Report from the Director of
Policy and Regeneration**

For Information

Wards Affected:
ALL

Empty Properties Task Group: Final Report

FP Ref: PRU-05/06-20

1.0 Summary

- 1.1 The Empty Properties Task Group held its final meeting on the 18th January 2006. Its agreed recommendations are included within its final report and were presented to the Quality of Life Scrutiny Panel at its meeting of the 24th January 2006.

2.0 Recommendations

- 2.1 That the Executive consider the recommendations of the Empty Properties Task Group for action.
- 2.2 That the Executive note the key findings of the Task Group, as outlined in the report.

3.0 Detail

- 3.1 At its meeting of the 29th June 2004, the Quality of Life Scrutiny Panel resolved to establish a task group to investigate and review the Council's empty properties strategy. Its remit was to determine the extent of the problem within the Borough and the effectiveness of the Council's policy response.
- 3.2 The investigation focused on the circumstances and processes by which properties became empty and appropriate levels of intervention. Members have sought to ensure that the work of the task group addressed methods by which empty properties can be returned to use.

- 3.3 The task group's investigation focused on empty properties within the private sector, excluding those owned by Registered Social Landlords (RSLs) and the Local Authority.
- 3.4 The task group convened six meetings, with its final meeting taking place on the 18th January. Evidence was gathered from the Council's Housing, Revenue & Benefits, and Council Tax divisions. In addition, it received presentations from the Empty Homes Agency and Pathmeads Housing Association. A review of national and local best practice informed its investigation, taking into account relevant legislative changes.
- 3.5 A mapping exercise was undertaken by the Council's GIS (Geographical Information System) team to identify empty properties on a ward basis. To support this, data was collated to show the number of empty private properties by their discount and exemption category.
- 3.6 Once empty properties were identified, members considered alternative methods to addressing the empty properties issue, for example the increased use of compulsory purchase orders and enforced sale. These were assessed in relation to Brent's effective grants scheme.
- 3.7 A list of recommendations was produced in line with the Empty Property Charter of the Empty Homes Agency, as detailed on page 13 of the attached report (Appendix 1).

4.0 Service Area Response- Housing and Community Care

- 4.1 The task group reflects the existing practice with regards to empty properties. It highlights a number of potential enforcement measures the council could employ.
- 4.2 Currently the Council's approach brings in empty properties for use by homeless households, but does not necessarily address those properties that have been "empty" long-term.
- 4.3 An approach could be adopted which brings together the best elements of the enforcement led and grant based approaches highlighted in the task group report.
- 4.4 Further research on the practices of other local authorities and a cost-benefit analysis of differing approaches are necessary.

5.0 Financial Implications

- 5.1 Finance & Corporate Resources have been consulted with regards to the task group's final report. Its proposals are supported and have the potential to generate revenue savings.

5.2 The Capital Programme of the 2006/7 budget sets out potential available resources as follows:

- Funding for the private sector renewal strategy and disabled facilities grant is £5.6m in 2006/07 and £5.3m in subsequent years (a total of £21.5m over four years). This will be used to deliver the Private Sector Housing Strategy 2005-2010 agreed by the Executive on 15th August 2005.
- There are opportunities for the council to deliver additional affordable housing through compulsory purchase and award of grant as part of the private sector housing strategy. Members are asked to agree that the Director Housing and Community Care has flexibility to transfer funds between the private sector renewal programme and the social housing grant programme in order to achieve best value for money from these funds.
- HRA capital spending has been assumed to be £6.5m per annum (£26m over four years), in line with the £6.5m allocated by government through supported borrowing (SCE(R)) in 2006/07. Spending in future years will depend on the level of the government's allocation. The 2007/08 programme includes spend of £11.9m for Granville New Homes, as part of the South Kilburn Development, which will be funded from prudential borrowing within the Housing Revenue Account.

6.0 Legal Implications

- 6.1 Compulsory Purchase Orders (“CPOs”) to acquire empty properties can be made using powers under section 17 of the Housing Act 1985. It will be necessary to show that a CPO is the only viable route for bringing the property back into use, for this power to be exercised. As part of showing this, the Council will need to establish that there is a real likelihood of the property being reused. Accordingly if works to it were required before it could be reused it will be necessary to show that the funding is available for these to be carried out and that this would be done within a reasonable timescale. It is also necessary to have regard to the Human Rights Act to show that an interference with the landowner’s property rights is justified. This is not normally problematical provided that the other requirements above can be met.
- 6.2 There is a widely drawn power under section 222 of the Town and Country Planning Act 1990 to compulsorily acquire land to “facilitate the carrying out of development, redevelopment or improvement on or in relation to land”. If the empty properties were intended to be redeveloped or improved then this power could conceivably be relied on as well. However, the relevant circular on compulsory purchase recommends that the most appropriate power should normally be used, and hence it would normally be sufficient to rely on the Housing Act powers.

- 6.3 There can be difficulties in identifying the owners of empty properties, however this would not impede the making of a CPO since service can be effected in these circumstances by leaving the relevant notices at the property.
- 6.4 If the Council wish to proceed with CPOs of empty properties then approval of the Executive would need to be obtained in each case. The CPO would then need to be made and advertised and served on owners. If there are no objections then it needs to be confirmed by the Secretary of State, who will need to be satisfied that all the requirements mentioned above have been met.
- 6.5 Anyone with an interest in the land has 21 days from advertisement/service of the CPO to make an objection. It is rare for objections not to be made to CPOs. Owners often make objections in the hope that this will persuade the Council to reach a voluntary agreement to acquire the land on terms more beneficial to the owner. If objections are made, then it is necessary for a public inquiry to be held. Depending on the length of inquiry needed, this will normally take 6-12 months to arrange. Assuming that the inspector recommends that the CPO should be confirmed this will then normally take place about 2-4 months after the holding of the public inquiry.
- 6.6 There is nothing to prevent the Council attempting to negotiate an agreement with the owners to acquire the land voluntarily, even though the CPO procedure is continuing, indeed the Government encourage this if possible.

7.0 Diversity Implications

- 7.1 Recommendations from task groups are incorporated within service department's delivery or development plans and as such will be subject to the equalities impact assessments carried out by services as part of their work program. In addition, the annual review of Overview & Scrutiny activities includes an equalities impact assessment.
- 7.2 This report hopes to address equalities issues to help make services fairer and more easily accessible to all.

Contact Officers

James Sandy

Policy and Performance Officer
020 8937 1609
James.Sandy@brent.gov.uk

PHIL NEWBY

Director of Policy and Regeneration