

Rossendale Vacant Property Strategy

2010 - 2015

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1.0 Introduction

Rossendale is committed to the transformation of neighbourhoods as better places for people to live and work. Derelict and long-term empty properties such as empty homes, disused shops and offices, or dilapidated buildings can be detrimental to our neighbourhoods and can cause blight, portraying to the outside a rundown, tired area which negates any confidence in regeneration activities or fostering community cohesion. However, these properties and sites can be part of the solution and provide opportunities for housing, employment and recreation use, acting as a catalyst for the regeneration of a neighbourhood.

The aim of this Strategy is to provide a co-ordinated approach across the Council to tackling long-term empty properties. It demonstrates that the Council has an effective and unified approach to combating the problems caused by empty properties while providing a robust methodology for returning them back into active use concentrating on those properties, which are problematic for neighbourhoods.

As of the 1st June 2010, the number of empty residential properties including second homes across the borough was 1,609 with 685 empty for over 6 months. This is a 15% increase on previous years but provides a stark measure of the impact of the recession in Rossendale and is substantiated through supplementary evidence regarding the number of repossessions and evictions that have been undertaken over the last 12 months across the Valley.

These long-term properties while presenting a challenge also offer opportunities to provide much needed housing and the chance to bring about neighbourhood change through improvement and transformation.

Empty homes are a wasted resource and their occupation may reduce the need for new development on greenfield sites. The emerging Core Strategy identifies opportunities for developers to work with the Council to bring back empty properties into use as an alternative to providing onsite affordable housing provision. While derelict and long-term empty properties can be a magnet for anti-social behaviour, vandalism, fly tipping, graffiti and crime and their reuse can contribute to reductions in low-level criminality in neighbourhoods. By returning empty properties into use, residents of Rossendale will benefit from cleaner, more attractive neighbourhoods and stronger, safer communities while encouraging private investment and regeneration into the Valley.

Section 4.0 of this Strategy looks at the identification of these houses and buildings and how the Council working with partners can ensure these unused assets are best utilised for the people of Rossendale. Appendix A is a detailed Action Plan for achievement of the Strategy's objectives.

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2.0 Background

Empty homes are a national problem, in 2009, there were over 651,993 empty residential properties across England and of these 307,001 had been empty for more than 6 months. This equates to approximately eleven empty homes for every homeless household in the Country.

Residential properties can become empty for a number of different reasons, most commonly when the property is for sale or in between tenancies. It is important to understand why properties are left empty for long periods of time and the subsequent associative effects that this can have on a community. Some of the reasons properties become empty are:-

- Speculative purchase with capital appreciation the only aim.
- Fearful of letting the property. Perceived difficulties associated with managing a rented property.
- Property conditions e.g. owners are unable to afford the works necessary to bring the property into habitable condition.
- Repossession.
- Unresolved ownership following death while legal title is in probate.
- Bankruptcy of owner.
- Owner hospitalisation / institutionalised.
- Property inherited – owner lacks knowledge or inclination to deal with the property.
- Empty property above shops – unsuitable means of access, reluctant freeholders etc.

The Department of Communities and Local Government support bringing empty properties back into use and various legislative tools have been introduced to give Councils discretionary powers to bring empty properties back into use. These powers include the ability to make Compulsory Purchase Orders (CPO) (Planning and Compulsory Purchase Act 2004 / Housing Act 1985), Empty Dwelling Management Orders (EDMO) (Housing Act 2004) and Enforced Sales (Planning and Compulsory Purchase Act 2004).

Other legislative documents such as Planning Policy Statement 3: Housing (Central Government's main housing policy) place an onus on Local Authorities to identify enough land to deliver the homes needed in their areas and consider the reuse of vacant dwellings as a suitable contribution to this requirement. While paragraph 41 states that local, planning authorities should "identify and bring into use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase."

The Audit Commission's 'Building Better Lives Report' September 2009 identifies that for every new affordable house built then an equivalent six empty properties could be returned back into use.

2.1 The Regional Picture

Across the twelve Lancashire districts there were over 21,000 vacant properties in 2009 representing 4.1% of the total housing stock within the County of which 8,815 were empty for more than 6 months. Table 1 provides a benchmark against the other eleven Lancashire districts and a comparison against the regional and national average, which shows Rossendale to be significantly higher. It also shows that the number of empty properties is the fourth highest across the County only surpassed by Burnley, Pendle and Hyndburn; also part of the Pennine Lancashire Housing Market Renewal (HMR) Pathfinder.

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Table 1: Empty Housing Stock, 2006 to 2009

District	Percentage of housing stock that is empty			
	2006	2007	2008	2009
Burnley	7.4	7.5	6.6	8.1
Chorley	3.3	1.0	3.1	3.3
Fylde	4.5	4.7	3.9	3.4
Hyndburn	5.5	6.4	5.6	6.5
Lancaster	4.1	3.6	3.9	4.4
Pendle	6.2	6.7	7.0	6.5
Preston	4.4	4.5	3.4	4.6
Ribble Valley	3.3	3.8	3.3	3.4
Rossendale	5.4	5.5	5.3	5.0
South Ribble	0.9	2.5	2.6	2.7
West Lancashire	1.2	1.2	1.1	1.0
Wyre	3.1	3.7	2.0	1.7
North West	4.1	4.2	4.2	3.9
England	3.1	3.0	3.1	2.8

Source: Empty Homes Agency, Lancashire County Council

The National Land Use Database identifies over 1,107 hectares of vacant and derelict land and buildings as well as land currently in use and allocated for redevelopment in a local plan or with outstanding planning permission (land types A-D) across Lancashire, which could deliver over 13,000 houses.

2.2 The Local Picture

As of the 1st June 2010, there were 1,609 empty residential properties in Rossendale, 5.25% of the total housing stock of the borough. Excluding second homes, 1,499 homes were classified as empty with 605 identified as long term empty properties (vacant for more than 6 months). This equates to approximately 20 long-term empty homes for every homeless household accepted by the Council in Rossendale during 2009/10.

Figure 1 illustrates the number of properties empty for more than six months by length of time as of June 2010. It shows that the majority of properties have been empty for between 6 and 12 months, there are 16% of homes empty for more than 2 years and a further 5% empty for over 5 years. These longer term empty properties are of particular concern, as the longer they remain empty the more they deteriorate and cause problems for the community. We need to establish why these properties are empty and work with owners in finding solutions to bring them back into use.

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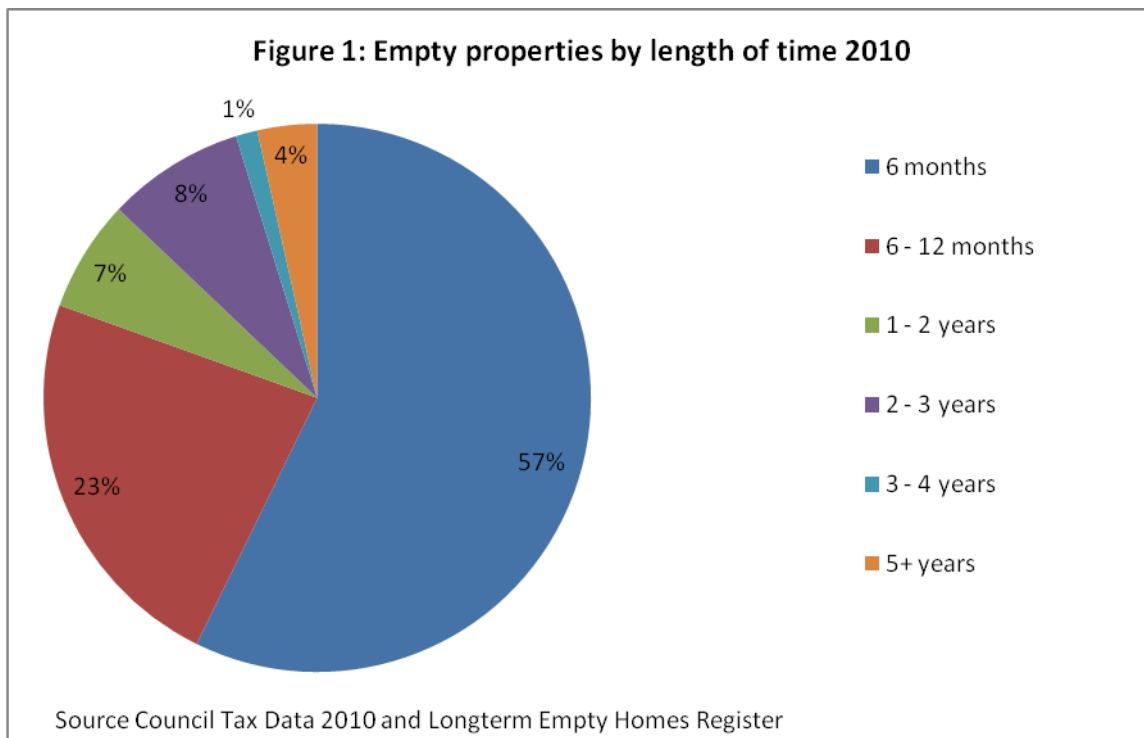
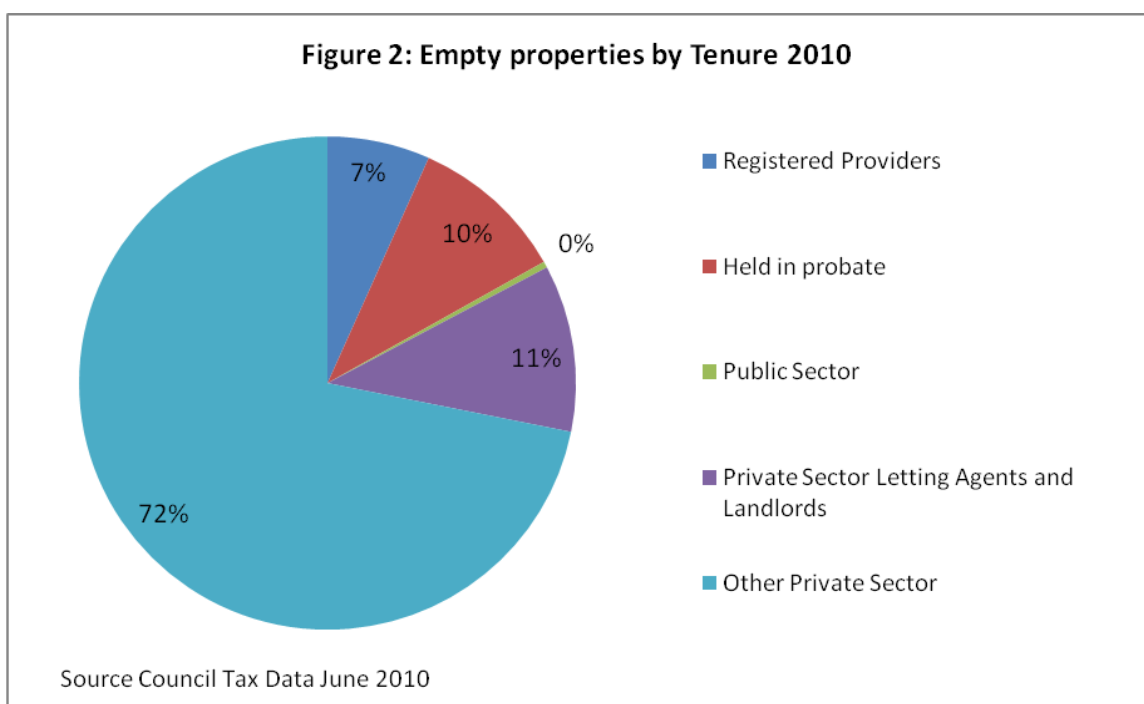
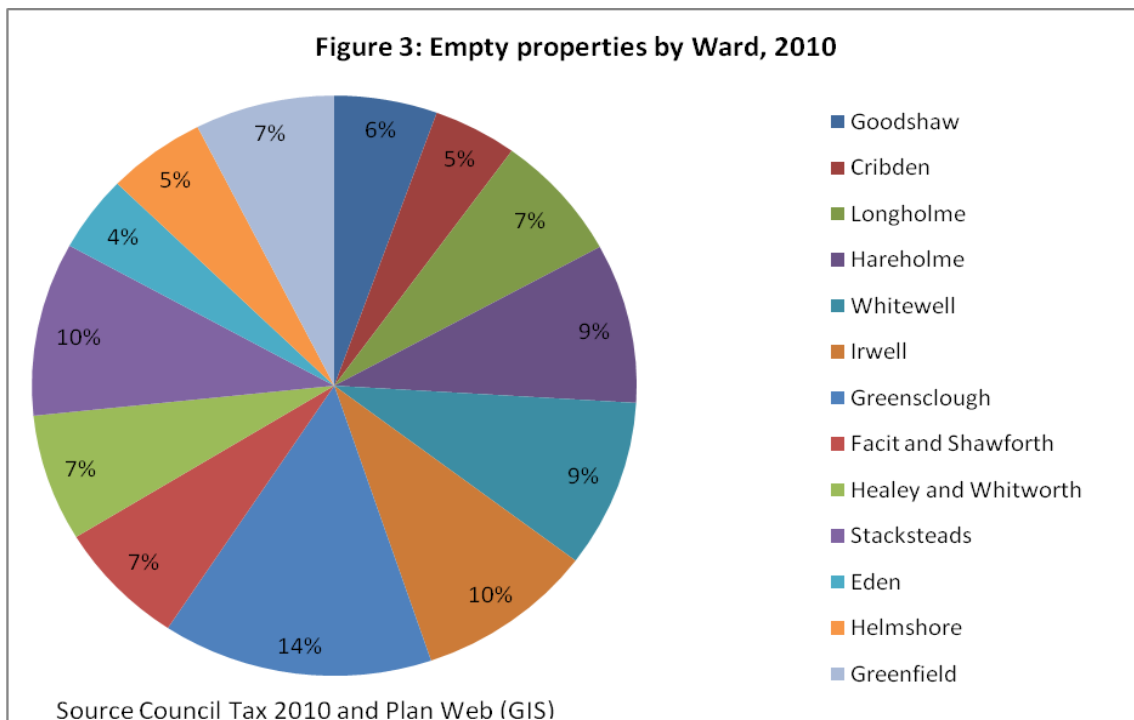


Figure 2 shows that the overall majority of long-term empty properties (93%) are in the private sector with 11% (164) owned by private landlords and letting agents, with over 90 of these empty properties owned by 39 individual private landlords. While the number of empty properties in the public sector including those of registered providers is low at 7% (100), we still need to assist them in bringing these properties back into use.



The number of empty properties across individual wards (as Figure 3) seems on average to range between 5 – 7% with elevated concentrations within Irwell, Stacksteads and Greensclough part of the Council's Housing Market Renewal Area and within Hareholme and Whitewell adjacent to the Pathfinder Area.

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The National Land Use Database return for Rossendale 2009/10 identifies over 59 hectares of vacant and derelict land and buildings as well as land currently in use and allocated for redevelopment in a local plan or with outstanding planning permission (land types A-D) across Lancashire, which could deliver over 300 houses. While the Empty Commercial Property Register (maintained and promoted by the Council for businesses wishing to relocate to Rossendale) highlights over 123 empty commercial properties across the borough.

3.0 Aims and Objectives

The aims of the Vacant Property Strategy are intrinsically linked with the Council’s Corporate Priorities and will contribute to:-

- Delivering quality services to our customers through combating the adverse impacts on communities and neighbouring properties that empty properties have on an area.
- Providing value for money services through shared resources and innovation to tackle empty properties across the borough.
- Delivering regeneration across the borough by increasing the vitality of an area through the encouragement and fostering of regeneration opportunities and attracting new business and families into an area.
- Encouraging healthy and respectful communities by reducing and removing the harmful effects of empty properties on those neighbouring properties caused by damp, vermin, anti-social behaviour and fire.

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Over the five years of this strategy, Rossendale Borough Council will:-

- To reduce the number of long term vacant properties and increase the housing supply in Rossendale by bringing properties back into use through targeted schemes and enforcement powers.
- To minimise the need for future development of greenfield sites and protect Rossendale's environment.
- To raise awareness of the issues and associated problems caused by empty homes across the borough and offer advice and assistance to empty property owners to bring properties back into use.
- To improve the existing built environment through returning properties to active use through the Council's enforcement toolkit.
- To provide a defined, transparent process for dealing with empty properties.
- To contribute towards a balanced housing market meeting a range of housing needs across all tenures, whilst providing a choice of accommodation and improved neighbourhood.
- To make best use of Rossendale's existing unused housing stock to assist in meeting the need for affordable housing across the borough through improved working between internal departments, registered providers, developers and other stakeholders.
- To improve community safety through eliminating crime hotspots caused by vacant properties for residents and other public agencies such as Fire, Police.
- To have a sound understanding of the vacancy trends and triggers through research, monitoring and better techniques for improving the quality of primary data.

This strategy provides a more thorough, robust steer on how we will tackle long-term vacant properties over the next five years. It compliments and contributes towards the activities and objectives of the Council's Private Sector Housing Renewal Strategy and associated Housing Enforcement Policy.

Over the lifetime of this strategy, Rossendale Borough Council will:

- 1. Reduce long-term empty properties by 50%.**
- 2. Reduce problematic vacant commercial properties by 30%.**

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4.0 Delivery of the Strategy

4.1 Identifying empty properties

There are several methods that the Council currently employs in identifying empty dwellings. Many individual dwellings, which are unsightly, or causing problems to neighbouring properties are reported directly to the Council by a member of the public or through Ward Councillors. This can be done through either the One Stop Shop or via the Council's online form on the website www.rossendale.gov.uk/reportanemptyproperty.

Through working in partnership with other Council departments and other agencies and organisations such as the Lancashire Fire Service, we can highlight empty problematic properties and develop joint actions to tackle them.

We also identify empty dwellings from Council and Business Tax records on a quarterly monitoring period, which allows the Council to have a clear understanding of the issue on a ward, tenure, and time empty basis in order that we can target actions and incentives such as the Haslingden Home Renew Initiative and multi-agency enforcement action.

4.2 Partnership working

Bringing empty properties back into use requires a partnership approach and the Council established the interdepartmental Vacant Properties Task Group in 2008 to facilitate this work. This has seen the establishment of a joint working database covering both commercial and domestic properties showing all actions by the Council taken by all departments. This allows officers to see at a glance what involvement other teams have had with a specific property that they are also dealing with, as well as allowing new referrals to be captured centrally. The purpose of the group is to combine resources to target problematic empty properties.

The Council also works with external partners such as registered providers, developers, letting agents, landlords, Fire Service, Police, Peer Authorities (Lancashire Empty Homes Partnership and Pennine Lancashire HomeSure Group) etc., to look at ways of bringing empty properties back into use.

4.3 Prioritising Resources

By prioritising properties the Council can effectively target its resources into dealing with those properties that are problematic and cause a nuisance to a neighbourhood while those to a lesser extent which are of low to medium priority can be tackled through lower impact measures. In order to rank properties the Council will use a predetermined scoring mechanism, which will allow properties to be ranked as low, medium, and high priority. A copy of this Empty Property Prioritisation Scoring Sheet is detailed within Appendix B.

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These priority rankings will determine the level of action targeted at the property however, as a generalised action the Council will always look to apply empty property council tax and business tax rates, where appropriate, in order to discourage properties being empty for any length of time. In all circumstances, the Council will look to work with owners to bring properties back into use however, as a last resort the Council will use its powers particularly where a property has been vacant for a number of years or if it has fallen into serious disrepair. These are:-

- **Compulsory Purchase Order** – The Council has legal power to purchase an empty property. This approach can be used where an owner of an empty property has turned down council offers of support to bring the property back into use, and can offer no reason why the property should remain empty.
- **Interim Empty Dwelling Management Order (EDMO)** – This allows the Council to secure occupation and proper management of privately owned houses and flats that have been unoccupied for more than six months.
- **Enforced Sales Procedure**- The law allows the Council to do essential repairs to a property and if the owner will not pay for these works, the Council can force the property to be sold. The cost of the repairs is registered as a land charge and recovered from the sale price. If the sale price doesn't cover all costs, a personal debt is placed against the original owner which is pursued in the normal way.
- **Demolition** - The Local Council has legal powers to serve demolition notices and undertake works in default where properties are of such a state that they are a danger to the public, surrounding properties and infrastructure, or where it is uneconomical to renovate them.

The Council will seek to reduce the number of long-term empty properties within Rossendale by acting as an enabler to work with partners and support owners to bring their properties back into use, through utilising all the tools and powers available to the Council.

A copy of all the legal powers and tools including the use of s215 of the Town and Country Planning Act 1990 and other enforcement actions available to use by the Council relating to vacant properties is highlighted within Appendix C.

4.4 Tackling the Problem

4.4.1 Low Priority Properties

The Council will provide proactive support and advice to owners to encourage them to bring their property back into use. This will be done through marketing and targeted actions explaining the benefits of returning to use empty properties from:-

- Rental income or increased capital value of their property.
- Promotion of rented property through Pennine Lancashire Choice Based Lettings (where to rentable standard) to identify suitable tenants.
- Security against vandalism and squatting.
- Long-term investment value.

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Where applicable the Council will offer signposting to appropriate partners or interested buyers, occupiers, lessees etc. Where owners are undertaking major renovation works in order to either occupy the property, let to tenants or leased to a business¹, for sale on the open market or other valid alternative proposal for its future use then the Council may decide to agree with the owner a schedule of works, which the owner would commit to keeping to. This process is presented in the attached flow chart in Appendix D.

4.4.2 Medium Priority Properties

The Council will actively work to trace owners and where known work with them on a one to one basis to assist them in bringing their empty property back into use. Where owners refuse to co-operate or fail to keep commitments with the Council, the Council will look at proactive enforcement measures including discussions with freeholders and mortgage companies as well as powers available to the Council (Appendix C).

4.4.3 High Priority Properties

There are several possible options open to owners of problematic vacancies identified as high priority and, where the owner is willing and committed, the Council will offer its support and assistance in looking into these options. These could include but are not limited to equity release loans; purchase by a registered provider; private sector or registered provider leasing schemes; rent deposit schemes; and change of use applications. These would be identified on an individual basis for each property.

Where all other approaches to bring properties back into use have been tried and failed, the Council will look to exercise its powers to compulsorily purchase, enforce sale, take over management or demolish a property.

4.5 Council Powers

It is possible that all Council departments will at some stage be involved in empty property works; however, in particular Strategic Housing, Economic Regeneration, Environmental Health, Building Control, Planning Enforcement, Legal Services, Property Services, Conservation, and Communities will have a key role. Officers from these teams make up the Vacant Properties Task Group which meets on a regular basis to discuss all aspects of current vacant properties work. All these officers will play a part in the overall decision on how best to bring a particular property back into use.

The Council has powers to take enforcement action against owners of vacant properties (as detailed in Appendix C), to require them to remedy problems associated with their properties. If they do not comply with these notices, the Council can carry out **work in default** and place a charge on the property, which is recovered from the value of the property when it is sold on or through normal debtor channels with the owner. The Council also has powers to take over management, enforce the sale, compulsorily purchase or demolish a property. Charges and fees associated with these notices are as the fees detailed on the Council's Website and are approved at the annual Cabinet budget setting meetings in February.

¹ Where the property meets the minimum standards for rented accommodation.

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4.6 Funding

The availability of funding has a major influence on any work to bring empty properties back into use. The Council will work to identify funding sources which may be used in a variety of ways to combat vacant properties. This funding can be either internal or external and the emerging conversation across Pennine Lancashire with the Homes and Community Agency could provide a vehicle for levering in funding to support acquisition and refurbishment of properties.

The Council has funds available to deal with problematic vacancies through powers of enforcement. Where necessary, works to secure properties, rectify environmental health issues and tidy up properties will be funded by the Council and costs will be claimed back via a charge placed on the property in question. Funding is also available for interventions such as CPOs, EDMOs and Enforced Sales where the Council decides that execution of these powers is necessary. These properties will be considered for enforcement action on an individual basis; however the Council may decide to pursue enforcement on a number of properties at once if they are clustered in a single location.

4.7 Reviewing and Monitoring

Appendix B provides a working action plan with SMART (Specific, Measurable, Attainable, Realistic, and Time-sensitive) targets that this strategy will undertake over the next five years. These actions will be monitored and reviewed by the Vacant Property Task Group and will be reported through to the Council's Overview and Scrutiny Committee on an annual basis and quarterly through the Council's Monitoring System (Covalent). Achievement of these targets will also be measured through delivery of the Best Value Performance Indicator BVPI 064 (used a localised indicator) and continued benchmarking against neighbouring authorities.

5.0 Contact Details

This strategy while looking to be as comprehensive as possible is a living document and needs to be reviewed to reflect Central Government and regional priorities. It is the responsibility of all departments to drive this work forward and deliver Rossendale's Action Plan.

Regeneration (LEAD)

Housing Regeneration Projects Officer (Vacant Residential Properties)

Regeneration Projects Officer (Vacant Commercial Properties)

E: regeneration@rossendalebc.gov.uk

Communities Team

Area Manager for Greensclough, Irwell and Stacksteads

E: juliejackson@rossendalebc.gov.uk

Area Manager for Eden, Greenfield, Helmshore and Worsley

E: catherineprice@rossendalebc.gov.uk

Area Manager for Cribden, Goodshaw, Hareholme, Longholme and Whitewell

E: alisonwilkins@rossendalebc.gov.uk

Environmental Health

Environmental Health Officer, Pollution, Housing and Public Health

E: envhealth@rossendalebc.gov.uk

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Building Control

E: buildingcontrol@rossendalebc.gov.uk

Planning Enforcement

E: planningenforcement@rossendalebc.gov.uk

Data Sources

Rossendale Borough Council's:-

- Council Tax Information provided on a Quarterly basis via Capita.
- Stock Condition Survey 2009
- Empty Property Strategy 2003
- Empty Properties Policy Statement and Action Plan 2006
- Sustainable Community Strategy

Empty Homes Agency

Lancashire County Council

Preston City Council Empty Property Rationalisation Scoring Sheet

House of Commons - Empty Housing, Standard Note SN/SP/3012 – 08.04.10

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Glossary

BA	Building Act
BVPI	Best Value Performance Indicator
CBL	Choice Based Lettings replaces the traditional way of allocating housing under which housing officers seek to match applicants who have priority on the waiting list to available vacancies. It allows applicants for social housing (and existing tenants seeking a move) to apply for available vacancies which are advertised widely (e.g. in the local newspaper or on a website).
CPO	Compulsory Purchase Order
DTLR	Department of Transport, Local Government and the Regions
EDMO	Empty Dwelling Management Order
EPA	Environmental Protection Act
GIS	Geographic Information System
High Demand Area	An area where the demand for housing substantially exceeds supply.
HMR	Housing Market Renewal
Low Demand Area	An area where the supply of housing substantially exceeds the demand.
MPA	Miscellaneous Provisions Act
PDPA	Prevention of Damage by Pests Act
Problematic vacancies	Problematic vacancies are empty for long periods of time particularly anything over 6 months. This could be because of their poor condition; abandonment, probate, ill health of owner or other ownership disputes etc. A common characteristic that distinguishes them from transactional vacancies is that they are not being actively marketed.
RSEDP	Rossendale Sustainable Economic Development Programme
Registered Provider	Registered Providers (RPs) are independent housing organisations registered with the Homes & Communities Agency under the Housing Act 1996. Most are housing associations, but there are also trusts, co-operatives and companies.
RSL	Registered Social Landlord also known as a Registered Provider.
TCPA	Town and Country Planning Act
The Council, RBC	Rossendale Borough Council
Transactional Vacancies	An underlying level of vacancy arises as a result of the normal transactions of the property market. These are generally known as transactional vacancies. There is some debate as to the acceptable level of transactional vacancies, however the DTLR's memorandum states that these vacancies amount to approximately 2% of the housing. For example, it is necessary for some houses to be available for relatively short periods whilst they are being sold or let. This type of vacancy is for a relatively short period of time – usually no longer than six months.
VPS	Vacant Property Strategy

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Appendix A

Vacant Property Strategy Action Plan 2010 - 2015

Vacant Property Strategy Performance and Delivery Plan

Reducing the number of vacant properties across the borough.		
Links to other strategies and plans and National Housing Policy Objectives	Local Private Sector Housing Strategy Homelessness Strategy Sustainable Community Strategy Pennine Lancashire Housing Strategy Pennine Lancashire Affordable Warmth Strategy Pennine Lancashire Empty Property Strategy	National Towards an Urban Renaissance Decent Home Standard National Empty Homes Action Plan
Partner Organisations	Pennine Lancashire Homesure Group / Pennine Lancashire Empty Homes Officer Group Lancashire Empty Homes Network	

Short Term Priorities

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Prioritise vacant properties in line with the approach set out in the Vacant Property Strategy. Map long-term empty properties (annually) using GIS software to provide an ongoing spatial review to target resources.	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff time	Health, Housing and Regeneration CTAX IT	September 2010	
Develop communication strategy to promote and communicate the VPS work undertaken by the Council to partners, homeowners, private landlords, businesses and members of the public.	Increased awareness of vacant property issues across the Valley with clear support mechanisms to report empty properties.	Staff time Small marketing and literature budget required.	Health, Housing and Regeneration Communications	September 2010	

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Explore the opportunity to extend the Haslingden Home Renew Pilot across the Valley (Acquisition by Agreement).	Increased partnership working and opportunity to provide affordable housing.	Staff time from RBC and partnering RSLs.	Health, Housing and Regeneration	October 2010	
Maintain the Vacant Property Task Group	Pooling of resources to produce efficiency savings while promoting better working relationships between Council Departments and support agencies.	Staff time from RBC.	Health, Housing and Regeneration Legal Communities Environmental Health Building Control Forward Planning	Ongoing	Record all actions taken by other services to supplement monitoring returns.
Develop Advice Pack for both empty residential and commercial property owners. Covering areas such as:- <ul style="list-style-type: none"> • Tax benefits (e.g. VAT). • Financial loss as a result of an empty property. • Income generated from rents. • Initiatives run by the Council. • Council's enforcement powers including policy process and timelines. 	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff Time	Health, Housing and Regeneration	September 2010	

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Contribute to the development of a Housing Enforcement Policy and develop internal process procedures for undertaking CPOs, Enforced Sale, EDMOs and Enforcement Action for all departments.	Increased awareness of vacant property issues across Valley with clear transparent mechanisms to deal with empty properties where owners fail to work with the Council.	Staff Time	Health, Housing and Regeneration	December 2010	
Expand options for reporting empty properties including online methods.	Increased awareness of issue across Valley with clear support mechanisms to report empty properties.	Staff time	Health, Housing and Regeneration IT	December 2010	Currently in use but limited in approach.
Develop Customer Service Standards for Empty Properties for owners and those reporting them.	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff Time	Health, Housing and Regeneration	September 2010	
Revise literature in line with Advice Pack and develop a Communications Strategy to promote services, successes and media message including an online reporting mechanism.	Increased awareness of issue across Valley with clear support mechanisms to report empty properties.	Staff time Small marketing and literature budget required.	Health, Housing and Regeneration Communications	December 2010	

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Review Empty Commercial Property Register and undertake survey of those shop properties which could provide living accommodation above.	Increase the number of housing units and business opportunities available for the borough.	Staff time	Health, Housing and Regeneration Forward Planning	March 2011	
Annual monitoring report to Overview and Scrutiny on number of properties (domestic and commercial) returned back into use.	Increase the number of housing units and business opportunities available for the borough.	Staff time	Health, Housing and Regeneration Vacant Property Task Group	Ongoing	
Discuss partnership working with RSL and Rochdale Housing Initiative to explore the potential of using Temporary Social Housing Grant across Rossendale.	Increase the number of units available for affordable rented accommodation across the Valley.	Staff time	Health, Housing and Regeneration Legal	March 2011	
Identify and explore funding opportunities for retrofitting properties with energy efficiency measures to reduce fuel poverty.	Increase the SAP rating of rental units to improve fuel poverty in rental properties.	Staff time	Health, Housing and Regeneration	March 2011	

Medium Term Priorities

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Produce an Empty Dwelling Management Protocol. Identifying clear and consistent way forward for managing empty properties and thus minimising their impact on neighbourhoods.	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff Time	Health, Housing and Regeneration	March 2011	
Establish monitoring and performance management framework based on short term priorities including reporting mechanism to Overview and Scrutiny Policy and Performance Committee.	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff time	Health, Housing and Regeneration	March 2011	
Undertake awareness raising sessions on a regular basis through Private Landlords Forum making them aware of Council's support and where necessary enforcement process in bringing properties back into use.	More effective, transparent and efficient approach to dealing with problematic vacant dwellings.	Staff time	Health, Housing and Regeneration	March 2011	
Review the potential of the Council providing financial assistance to landlords or property owners through an Empty Property Loan / Credit Agreement.	Support to owners to bring properties back into use while providing affordable housing and commercial / retail space.	Staff time	Health, Housing and Regeneration	March 2011	

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
<p>Look at the establishment of a Private Sector Leasing Scheme with a RSL partner across a Rossendale or Pennine Lancashire basis. The PSL will be a voluntary leasing scheme for owners of properties that are vacant and they no longer wish to manage. The scheme will act as an informal alternative to undertaking enforcement action such as enforced sale or EDMO.</p>	<p>Increase the number of units available for affordable rented accommodation across the Valley.</p>	<p>Staff Time</p>	<p>Health, Housing and Regeneration Customer Assurance Procurement Legal</p>	<p>March 2012</p>	
<p>Explore the potential of utilising the Pennine Lancashire Choice Based Lettings Scheme to promote empty homes or accredited private landlord properties thus reducing void times.</p>	<p>Increase the number of units available for affordable rented accommodation across the Valley.</p>	<p>Staff time</p>	<p>Health, Housing and Regeneration</p>	<p>March 2012</p>	
<p>Explore the opportunity to utilise planning agreements and commuted sums for affordable housing with developers to bring empty properties back into use within wards where new development is planned or support an Empty Property Repair Fund.</p>	<p>Increase the number of units available for affordable rented accommodation across the Valley.</p>	<p>Staff time</p>	<p>Health, Housing and Regeneration Forward Planning</p>	<p>March 2012</p>	

Long Term Priorities

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Review areas of good practice such as the:- <ul style="list-style-type: none"> • Wirral Urban Green Land Initiative (UGLI) Pilot Scheme which aims to work with owners of derelict land and the local community to proactively find a sustainable solution for the long-term maintenance of the site and redesign to support Valley issues and initiatives. • Dudley – Major Repairs and Improvement Assistance Loans. • Habitat for Homes, Liverpool – potential for similar scheme using empty properties. 	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Vacant Property Task Group	March 2013	
Establish a 'Developers List' of contractors wanting to purchase empty properties. Potential to charge a brokerage fee for service.	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Health, Housing and Regeneration Legal Procurement	March 2013	
Look at the possibility of working with the Conservation Team to explore the potential of utilising THIs to bring empty properties back into use.	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Health, Housing and Regeneration Conservation	March 2013	

Action	Outcome	Resource	Responsible Officer / Team	Target Date	Comments
Establish a brokerage service with empty property owners advertising their properties through the Council's website.	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Health, Housing and Regeneration Legal Procurement	March 2013	
Look at establishing a Voluntary Leasing Scheme and the use of Compulsory Leasing Orders.	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Health, Housing and Regeneration Legal	March 2013	
Improved partnership working through clear established protocols with partnering agencies including the Police, Fire Brigade and Registered Providers to report, refer, enforce and bring empty properties back into use.	Increased partnership working providing solutions to improve neighbourhoods.	Staff Time	Health, Housing and Regeneration Legal	March 2013	
Review the potential of establishing a works contract service through the existing Private Sector Housing Team to manage contract work (developing schedules of work, tendering and managing contracts utilising the Council's framework of contractors) for those homeowners wanting to let property but unaware of the process in bringing them up to a relevant level.	Increase the number of units available for affordable rented accommodation across the Valley.	Staff time	Health, Housing and Regeneration	March 2014	

Appendix B

Empty Property Prioritisation Sheet

Empty Property Prioritisation Sheet

Address of Property			
Date of Assessment		Officer Assessing	
Description of Property			
		Commercial	
		Residential	
		Mixed site / use i.e. shop and residential	
		Flat	
		Flat above shop	
		Ex Right to Buy	
Number of units			
		Points Scale	Points Awarded
Housing Need	Three or more bedrooms	5	
	Meets CBL demand for area	5	
	HMR Pathfinder Area or other key strategic regeneration location	10	
	Bungalow	10	
Identified owner	Freehold	3	
	Leaseholder	3	
	No known owner	20	
Length of time vacant	6 months – 1 year	1	
	1 – 2 years	3	
	3 – 5 years	10	
	5+ years	25	
Property Condition	No disrepair	0	
	Minor disrepair	2	
	Major disrepair	5	
	Derelict	10	
Social Impact	No detriment to the amenity of the area	0	
	Front and / or Rear garden / yard overgrown	3	
	Incidents of Arson / Fire at property	5	
	Vandalism to property	5	
	Fly tipping occurring / occurred at property	5	
	Property provides cover for criminal activity	5	
	Contributes to very poor street scene	5	
No. of complaints received	Low number (1 – 3)	1	
	Medium number (4 – 8)	3	
	High number (9 and over)	5	

Notices Served / to be served		No. of notices	Weighting	
	EPA s80 (nuisance)		x10	
	TCPA s215 (detrimental to amenity)		x5	
	PDPA Section 4 (Pests)		x3	
	BA s59		x2	
	BA s79		x10	
	MPA s29 (securing property)		x3	
	Other notices / correspondence*		x2	
*Including works schedule that have been agreed with owners and failed to keep				
Works in Default and/or prosecution	No			
	Yes		x5	
Debt History	None		0	
	Up to £500.00		2	
	£500.00 - £1,000.000		3	
	£1,000.000 - £5,000.000		4	
	Over £5,000.000		5	
HHSRS Category 1 present	No		0	
	Yes		5	
Grants	Any aid received such as DFGs, SRB, HMR – how much when etc.		10	
TOTAL				

Empty Property Banding	Property	Score Banding	Priority	Property Banding (✓)
1		Over 75 Points	High	
2		46– 75 Points	Medium	
3		0 – 45 Points	Low	

Appendix C

Local Authority Legal Powers

Local Authority Legal Powers

Problem	Legislation	Power Granted	Department Lead
Unknown or confirmed owner of property.	Local Government Miscellaneous Provisions Act 1976 s16	Power to require information in respect of ownership of a property.	All
Dangerous or dilapidated buildings or structures.	Building Act 1984 s77, s78 and s81.	To require the owner to make the property safe (s77) or enable the Local Authority to take emergency action to make the building safe (s78). Demolish whole or part of building (s81).	Building Control
	Housing Act 2004 Part 1	Under the Housing Health and Safety Rating System Local Authorities have the power to evaluate potential risks to health and safety arising from deficiencies in the property and take appropriate enforcement action.	Environmental Health
Unsecured properties (where there is a risk of trespass, vandalism, arson or similar).	Building Act 1984 s78	Allows the Local Authority the ability to take emergency action to make safe buildings and land.	Building Control
	Local Government Miscellaneous Provisions Act 1982 s29	Requires the owner to take steps to secure a building or allows the Local Authority to board up a building which is either unoccupied or the owner is absent.	Building Control Environmental Health
Property not repairable at reasonable expense.	Housing Act 1985 (as amended) s264 and s265	To require closure (s264) or demolition (s265) of a dangerous property where it is not economically repairable.	Regeneration Environmental Health
Blocked or defective drainage or private sewers.	Local Government Miscellaneous Provisions Act 1976 s35	To require the owner to address obstructed private sewers.	Environmental Health
	Building Act 1984 s59	To require the owner to address blocked or defective above ground drainage such as gutters and downpipes. Broken gutters and downpipes can cause damage to neighbouring properties if they are persistently leaking onto them.	Environmental Health
	Public Health Act 1961 s17	To require the owner to address blocked or defective private sewers.	Environmental Health

Problem	Legislation	Power Granted	Department Lead
Vermin (where present or likely to be attracted)	Public Health Act 1961 s34	To require an owner to remove waste or rubbish from land so that vermin is not attracted to the site.	Communities
	Public Health Act 1961 s34 (previously Public Health Act 1936 s83)	To require an owner of a filthy or verminous property to clean the property up to a reasonable standard.	Communities Environmental Health
	Prevention of Damage by Pests 1949 Act s4	To require an owner to take steps to keep land free from rats and mice.	Communities
Statutory Nuisance (Repair, dampness, refuse)	Environmental Protection Act 1990 s71 – s81	To require the owner to carry out works where a premises is in such a state as to be prejudicial to health or a nuisance (does not cover physical injury) to neighbours be remedied.	Environmental Health
	Building Act 1984 s76 (accelerated Statutory Nuisance procedure)	Council's notice of intention to remedy where a premises is prejudicial to health or nuisance, and where there would be unreasonable delay if a s80 EPA 1990 were used.	Building Control
Unightly land and/or property affecting the amenity of an area	Public Health Act 1961 s34	To require an owner to remove waste from their property.	Communities Environmental Health
	Town and Country Planning Act 1990 s215	To require the owner to address unightly land or the external appearance of a property.	Communities
	Building Act 1984 s79	To require the owner to take steps to address a ruinous or dilapidated property adversely affecting the amenity of an area.	Building Control
	Planning (Listed Buildings and Conservation Areas) Act 1990 s54 and s76	To require works on a unoccupied listed building (s 54) or an unoccupied building in a Conservation Area (s 76) to preserve is future.	Conservation
Properties are derelict and uninhabitable	Housing Act 2004	Where the Local Authority believes there Category 1 hazards pertaining to a residential premises they can require an owner to undertake remedial action.	Environmental Health

Problem	Legislation	Power Granted	Department Lead
Owners absent or refusing to work with Local Authority	Planning (Listed Buildings and Conservation Areas) Act 1990 s48	Power to compulsorily purchase a building where the Council has reasonable cause to believe necessary steps are not being undertaken to preserve a listed building.	Conservation
	Local Government Miscellaneous Provisions Act 1976 s15	Power to enter premises to undertake a survey for Compulsory Purchase Order purposes.	Regeneration Environmental Health
	Housing Act 1985 s17	Power to compulsorily purchase a property.	Regeneration
	Acquisition of Land Act 1981 (as amended by 2004 Planning and Compulsory Purchase Act) and associated circulars	Compulsorily purchase procedures.	Planning Regeneration
	Law of Property Act 1925 s101 – s103	Power to enforce sale of a property or building where there are outstanding charges by the Local Authority against the property. Where returning the property into use is crucial to the area; or there are works in default of £1,000 or more; or the property has been empty for more than two years.	All
Owner(s) unsure of what to do with property or not capable in the short term of bringing their property back into use.	Housing Act 2004 Chapter 2 Part 4, s132 – s138	Power to make an interim Empty Dwelling Management Order to enable a Local Authority, with the consent of the relevant proprietor, to take steps for the purpose of securing that property to come into occupation.	Regeneration

Appendix D

Vacant Property Flowchart

Property Reported

Initial property background checks with Council Tax, Land Registry etc.

Site Visit (Assess externals in line with s215 / HHSRS)

Confirm property is long term vacant

Short term vacant

Report any detrimental impacts to the relevant departments

Any short term vacant properties which remain empty and become long term vacant, are automatically picked up and classed as low priority become long term vacant

Yes

Long term vacant

Is the property being actively marketed or renovated?

No marketing/little or no renovation work

Property is put through the empty property prioritisation sheet

Property scores 0 – 45 points

Property scores 46 – 75

Property scores over 75 points

Advice and encouragement (Low Priority)

The Council will contact the owner to let them know of the situation, offering help and advice where possible.

Owners of low priority empty properties will receive a pack containing:

- A letter explaining why they are being written to and why the Council views empty properties as a priority
- A guide on the problems empty properties cause and some useful information on getting their property back into active use
- A questionnaire which will allow the Council to gain knowledge of why properties in Rosendale become long term empty and to develop knowledge on possible future courses of action in tackling the problem of empty properties.

Pro-active approach (Medium Priority)

The Council will write to the owner to ask them to make steps towards bringing the property back into use, as well as offering them options to help them occupy the property.

If the owner fails to respond satisfactorily to the letter, follow up letters will be sent. Once three letters have been sent action will progress to the intervention stage.

First Letter

No satisfactory response

Second Letter

No satisfactory response

Third Letter

No satisfactory response

Contact mortgage provider to see if they can take action on the owner.

Intervention (High Priority)

The Council will take immediate action to remedy the problems associated with an empty property, or to use its powers to bring an empty property back into use. The powers utilised will be those as detailed in Appendix C of the Vacant Property Strategy.

Properties that have been classed as low priority for over two years and are still remaining empty will be rescored with empty property prioritisation sheet

Property Remains Empty

Property returned to active use

Final Intervention

As a last resort, the Council will exercise its powers to force the property back into use.

Housing Act 1985 s17: Compulsory Purchase Order (CPO)
This act gives the Council the power to compulsory purchase a property.

Law of Property Act 1925: Enforced Sale
This act gives the Council the power to force an owner to sell his or her property.

Housing Act 2004: Empty Dwelling Management Order (EDMO)
This act gives the Council the power to take over the management of a property and bring it back into use. The Council does not take ownership of the property.

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