

Birmingham City Council

Report to Cabinet

16 April 2019



Subject: Private Sector Empty Property Strategy 2019-2024
Report of: Acting Director - Neighbourhoods
Relevant Cabinet Member: Councillor Sharon Thompson, Cabinet Member – Homes and Neighbourhoods
Relevant O &S Chair(s): Councillor Penny Holbrook – Housing and Neighbourhoods
Report author: Karl Robinson, Housing Trailblazer Lead

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005498/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report proposes a new Private Sector Empty Property Strategy for 2019-2024. The strategy sets out the housing scene in Birmingham and the need to bring empty properties back into use. The number of empty properties has declined over recent years through intervention but still remains at around 9900 today. The updated strategy builds on the 2013-2018 version and looks to bring a minimum of 350 properties per year back into use during the life of the strategy.

2 Recommendations

- 2.1 That Cabinet notes and approves the updated Empty Homes Strategy (Appendix 1).

3 Background

3.1 The purpose of this strategy is to set out the key objectives we aim to deliver on for the Empty Property Strategy 2019/2024:

- Have a coordinated approach to empty property work to ensure broadest corporate ownership of the need to address the issue of empty homes
- Identify the resources necessary to deliver strategic outcomes while remaining flexible about changes in housing market need, central government directives and funding
- Ensure delivery of the Empty Property Strategy is linked with the Council Plan 2018 - 2022, the Birmingham Development Plan, the Housing Birmingham Strategy and the Homelessness Prevention Strategy
- Provide encouragement and practical support to empty property owners
- Develop a robust suite of enforcement options where lower level interventions have not produced results
- Enhance our approach to returning empty homes to use by continuing to work and share experiences with other local authorities

3.2 When looking at the situation in Birmingham compared to other similar sized cities, Birmingham's percentage rates for longer term empty properties is in line with the city's average.

3.3 3703 properties had been empty for less than two years, of which 2802 were unoccupied for less than six months. Those of less than six months represent 28% of the total number of properties empty and 1.2% of the city's total private housing stock.

3.4 75.3% of all empty properties have been empty for less than three years and at June 2018 the city wide average for private sector properties empty longer than six months was 3.1%. Five of the city's ten districts (Ladywood, Edgbaston, Northfield, Hall Green and Erdington) have an above average empty property rate. These five districts contain 45.2% of the city's private housing stock but account for 53.7% of its privately owned properties empty for longer than six months.

3.5 In the first instance owners of problematic or long term empty homes are contacted and asked about their future intentions for the property. General advice is offered including signposting to resources to support the owner. Enforcement action is only pursued where less formal, lower level approaches have made no impact or where a property is a hazard to public health. Where the council considers enforcement action to be appropriate the approach will be impartial and incremental.

3.6 Please see Appendix 1 for the full Empty Property Strategy.

4 Consultation

Internal

The service consulted with relevant internal departments on the proposed strategy and subsequent action plan. Consultation ran until the end of February 2019 with the findings reflected in the final strategy for approval.

The consultation link was provided to internal stakeholders including elected members to ensure that the consultation received the best coverage.

External

The service consulted with landlords and residents in the city through the City Council's Be Heard system on the internet and through contact lists for various landlord representatives. Consultation ran until the end of February 2019 with the findings reflected in the final strategy for approval. We received 31 responses to the consultation with two very detailed submissions from partners (St Basils and Department of Social Policy Sociology and Criminology at Birmingham University). Key changes were made to the strategy as a result.

5 Compliance Issues:

5.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

The proposal is consistent with the Housing priority in the Council plan and supports the objectives of the Housing Birmingham Strategy to increase the suitable housing stock in the city.

Birmingham City Council Plan: 2018 to 2022

The Council has a vision for Birmingham as a great city to live in. It states:

'We want Birmingham to be a sustainable city of vibrant culture, flourishing neighbourhoods with good quality housing. A city with clean air, safe and clean streets and green spaces. We want to be a city where citizens have pride in where they live, have a strong sense of belonging and a voice in how Birmingham is run'.

To this end the Council Plan identifies a number of priority outcomes against which success can be measured.

- Increasing the number of new homes completed in the city across a range of tenures
- Increasing the number of private rented sector properties improved as a result of local authority intervention
- Ensuring an appropriate number of homes built are affordable
- Minimising the number of households living in temporary accommodation.

Returning empty properties to use plays a major role in providing decent, long term homes for citizens.

5.2 Legal Implications

There are a range of enforcement powers at our disposal including:

- Town & Country Planning Act 1990 (Section 215) – A notice can be served on the homeowner where a home is considered to be ‘detrimental to the amenities of the neighbourhood’.
- Local Government (Miscellaneous provision) Act 1982 – Under Section 29 the Council has the power to secure empty homes against access, where there is considered to be a danger to public health.
- Enforced Sale (Law of Property Act 1925) – The use of enforcement actions on empty properties can result in the gradual build-up of debt if the work is carried out in default of the owner failing to comply with the enforcement notice. Where a reasonable charge has been registered against the property it is possible to force the sale of the property to recover that debt.
- Compulsory Purchase Order (CPO) S17 Housing Act 1985 – where owners cannot be traced, or are unwilling to bring their property back into use, the Council can seek to compulsorily purchase a property and then sell it on the open market.
- Empty Dwelling Management Orders (EDMOs) – The Housing Act 2004 gives local authorities power to apply to the Residential Property Tribunal for an interim management order which may lead to compulsory leasing of the property for a fixed period of time.
- Dangerous or dilapidated buildings or structures under the Building Act 1984 ss77 & 78 and Housing Act 2004 Part I. To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78).
- Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar) under the Building Act 1984, s78 Local Government (Miscellaneous Provisions) Act 1982, s29
- Blocked or defective drainage or private sewers under Local Government (Miscellaneous Provisions) Act 1976, s35, Building Act 1984, s59 and Public Health Act 1961, s17
- Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people’s health) under the Public Health Act 1961, s34, Prevention of Damage by Pests Act, s4 and Public Health Act 1936, s83.

Building and maintaining relationships with property owners is perhaps the most important aspect of a successful approach to tackling empty homes. In almost all cases the quickest and therefore most economical approach is the lowest level of intervention that works. The city council will always look to use the most appropriate enforcement.

5.3 Financial Implications

The use of enforcement and subsequent action will result in a recoverable cost to the city council in some cases. Where there is a cost to the city council the

service will look to recover through the owner/ landlord. The largest financial cost to the city council would be in the case of Enforced Sale (Law of Property Act 1925), although the use of enforcement actions on empty properties can result in the gradual build-up of debt if the work is carried out in default of the owner failing to comply with the enforcement notice. The city council would look to recover that debt and where a reasonable charge has been registered against the property it is possible to force the sale of the property to recover that debt. Within the 2017/18 financial year there was a total of 40 default notices served at a cost of £52,360.

To support the work of the Private Rented Sector Team and to address the issue of homelessness in the city, the city council has recently been successful in securing £371,000 of MHCLG funding to work with the PRS sector and is exploring the use of New Homes Bonus to enhance the resources available to support the empty property strategy and the work of the Empty Property Team.

5.4 Procurement Implications (if required)

Not applicable.

5.5 Human Resources Implications (if required)

Not applicable.

5.6 Public Sector Equality Duty

An equality assessment has been completed ref. EQUA272. There is no adverse impact anticipated for any protected characteristic. When supporting a landlord or carrying out enforcement work, consideration is given to that individuals needs including translation, age or disability.

6. Background Documents

None.

7. List of Appendices

Appendix 1 - Private Sector Empty Property Strategy
Appendix 2 - Risk Assessment
Appendix 3 - Equality Assessment Initial Screening

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation