



London Borough
of Hounslow

Empty Property Strategy

2011-16



Foreword



I have pleasure in introducing the Council's New Empty Property Strategy 2011 - 2016.

This Strategy sets out a clear direction and action plan for tackling empty properties, which are a blight on our communities, often an eyesore and adversely affect the neighbourhood. The Empty Property Strategy, alongside the Housing Strategy, demonstrates our commitment to providing a sustainable and thriving community in Hounslow.

In line with our pledge, 'A fresh war on waste', I believe this strategy sets out key objectives and provides the framework to enable us to build on the achievements, in dealing with empty properties, over the last 2 years. It also clearly sets out the Council's approach and commitment to tackling empty properties. We therefore aim to bring up to 250 empty properties back into affordable housing use through this 5 year Strategy.

This Strategy will concentrate on four key objectives, they are:

- 1.** Encourage property owners to bring empty properties back into use.
- 2.** Bring problematic empty properties back into use through enforcement action.
- 3.** Devise and explore new and innovative solutions to bring empty properties back into use and increase the housing options in Hounslow.
- 4.** Develop a co-ordinated approach to help identify and tackle empty properties.

I commend this Strategy and look forward to reporting its success and achievements in the near future.

Councillor Steve Curran
Lead Member for Education, Housing and Corporate HR

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Introduction

Hounslow's Empty Property Strategy 2011 - 2016, sets out a clear direction and Action Plan to reduce the number of empty properties, thus tackling the blight and anti-social behaviour associated with these properties.



By tackling empty properties we will:

- improve the local environment and neighbourhood;
- reduce vandalism and associated anti-social behaviour;
- contribute towards the growing housing need by increasing housing provision and expanding the housing options available; and
- regenerate affected areas and reduce the detrimental affect these properties have on the housing market.

At best empty properties are a waste of valuable resources but often empty properties can have devastating affects on the neighbourhoods and their environment.

For example, the Royal Institution of Chartered Surveyors (RICS) states that an empty property reduces the market value of adjoining properties by up to 18%.

The Mayor of London's Housing Strategy, states that a fifth of people living near an empty property believe that the property attracts crime.

The Empty Homes 2009 Report, stated that there were 75,706 empty properties in London alone.

In Hounslow, there are around 2000 empty properties at any given time, some of which are undergoing renovation or awaiting probate etc.

However, we estimate that there are approximately 500 empty properties that require our intervention to bring them back into use.

Through this 5 year Strategy, we aim to bring up to 250 empty properties back into affordable housing use.

Policy context

National policy context

The coalition government has promised to *“explore a range of measures to bring empty homes into use”* (Coalition paper May 2010). Given the current economic climate, it is likely that Government will look increasingly to council’s to find more innovative housing solutions that do not put a strain on the national budget.

Regional policy context

In London’s Housing Strategy 2009-2014, The Mayor of London states that:

“No more than one per cent of homes should stand empty and unused for more than six months”.
(Policy 2.3D).

In order to achieve this, the Mayor has directed £60 million of targeted funding stream resources in order to improve advice, information, support and in some circumstances, grants for owners to bring their properties back into use.

The Mayor has also directed that:

“Better information should be available to help target action to tackle abandoned and derelict homes, with no financial incentives to leaving homes empty”
(Policy 2.3E).

West London Housing Partnership

Hounslow is a member of the West London Housing Partnership (WLHP) along with Kensington and Chelsea, Hammersmith and Fulham, Brent, Harrow, Hillingdon and Ealing. The Partnership works collectively to bring empty properties back into use via the West London Empty Homes Project.

This project has been running since 2006 and aims to tackle the 700 properties that have been empty for more than 6 months (or such amended timescale as may be implemented in the future) across the sub-region.

Since 2006 to date, the Partnership has brought 780 empty homes back into residential use with local authority nomination rights, across the sub-region.

Although there will be no further sub-regional funding beyond April 2011, we intend to continue to work collaboratively and utilise cross sub-regional expertise.

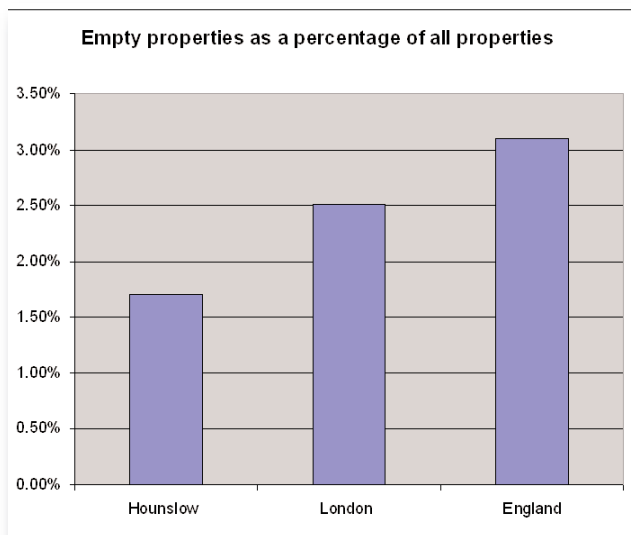
Local policy context

It is part of the Council’s strategic housing role to make effective use of empty homes. In accordance, the Council’s Housing Strategy includes actions on ensuring the most efficient use of housing resources, by bringing empty properties back into occupation.

Objective 2 of the Housing Strategy 2010 - 2015, is to improve the standards in private sector housing, especially rented. As part of this objective, 2.3 commits to tackle long-term empty homes.

Empty properties in Hounslow

The London Borough of Hounslow's 2009 Strategic Housing Market Assessment, found the level of vacant properties in Hounslow to be 1.7% of all properties. This is lower than the national average of 3% ever remains above the Mayor's target of 1%.



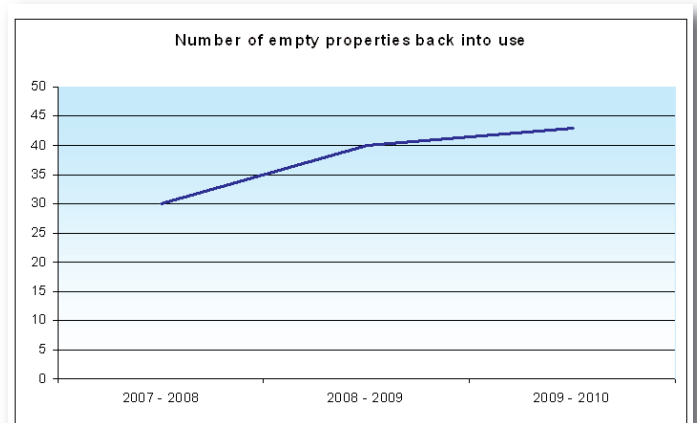
Source: 2009 SHMA

The figures below show an overall year on year decrease of properties, standing empty for more than six months in the borough. This puts Hounslow in the top quartile when compared with other London authorities.

Year	2007	2008	2009
No. of empty homes (6+ months)	614	473	386
No. of empty homes brought back to use	30	40	43

Source: HIP HSSA

The graph below illustrates that the number of properties Hounslow has successfully brought back into use is increasing year on year.



Source: HIP 2007-2010

One of the key issues for Hounslow is the fact that only one of these properties was brought back into use through enforcement. One of our key objectives is to develop a more coordinated response in conjunction with the Borough Solicitor to tackle the most problematic empty properties.

Delivering the Strategy through key objectives

The balance between resources available, priorities of the Council and national and local delivery targets, will determine what is achievable in reducing the number of empty homes in the borough.

Based on these, Hounslow Council anticipate bringing up to 250 empty properties back into affordable use over the next five years.



In order to achieve its aim, this Strategy focuses on **4 key objectives:**

- 1 Encourage property owners to bring empty properties back into use
- 2 Bring long-term problematic empty properties back into use through enforcement action
- 3 Devise and explore new and innovative ways to bring empty properties back into use and increase the housing options in Hounslow
- 4 Develop a co-ordinated approach to help identify and tackle empty properties

HOMEOWNER

- Increased income: Owners can lose up to £8000 per year by leaving a property empty (Royal Institution of Chartered Surveyors)
- Increased capital value
- Reduced costs of insurance, repairs and maintenance
- Reduces opportunity for squatting and vandalism
- Access to Council's support services in managing property

Who benefits from bringing empty properties back into use?

COMMUNITY

- Reduces opportunity for negative impact on house prices (Royal Institution of Chartered Surveyors)
- Prevents anti-social behaviour including vandalism, arson, burglary, fly-tipping and drug misuse.

COUNCIL

- Increased housing supply
- Reduced costs in dealing with complaints about empty homes
- Increased income from Council Tax

Objective 1:

Encourage property owners to bring empty properties back into use

The Council's primary approach in tackling the issue of empty properties, is to work with the owners to encourage them to bring the property back into use voluntarily.

Our Empty Property Officers provide advice and support, on a one-to-one basis, where each case is assessed on its merits. The Council currently offers Discretionary Financial Assistance, which is funded through the West London Housing Partnership.

This Financial Assistance helps towards the cost of works to bring the property up to the Decent Homes Standard. This financial assistance is for landlords who intend to let their property through one of the Council letting schemes; details of the letting schemes can be found below.

The works that can be funded through Financial Assistance includes the following:

- Bathroom
- Boiler & Radiators
- Chimney breast/stack
- Electrical
- External render
- Fascia & soffits
- Fencing
- Flooring
- Guttering
- Internal decoration
- Internal doors
- Internal staircase
- Kitchen
- Plaster
- Roof covering
- Roof Insulation
- Windows & doors



Letting schemes

There are different housing options which the Council uses to assist families or individuals who are homeless, or at risk of becoming homeless.

Let Start Scheme

The Let Start Scheme (tenant introductory scheme) has a range of benefits for landlords and tenants which include:

- A deposit guarantee, paid on behalf of tenants
- Various sized units for families, who have been assessed as homeless by the Council and therefore qualify for housing benefit
- No fees to pay for the introduction of tenants
- Incentive payments for landlords or agents
- Tenants can choose the area they wish to reside in and landlords can choose a suitable family, or individual for their property
- Financial assistance available to help towards meeting the Decent Homes Standard
- Advice to landlords and tenants on tenancies issues

Private Sector Leasing (PSL)

Private Sector Leasing is a scheme where the Council enters into a lease, normally for 3-5 years, with a private owner or landlord. The Council use the property to provide affordable accommodation for homeless families.

The Private Sector Leasing Scheme was set up to help meet the ongoing demand for social housing within the Borough.

It is a successful way of working with private landlords to provide a supply of good quality accommodation.

The scheme has a range of benefits for landlords, which include:

- Full management of the property, from inspections, to finding the tenants
- Guaranteed rent
- No fees to pay
- Compensation for any damage that may be caused by occupants
- Payment of rent quarterly in advance
- Rent is paid during void periods (maximum of 28 days)

Advice on Repair Works

The Council's Empty Property Officers can provide a Schedule of Works, clearly outlining what works need to be completed to bring the property up to the Government's Decent Homes Standard.



Objective 2:

Bring long-term problematic empty properties back into use through enforcement action

Enforced Sale

Enforced Sales allow local authorities to force the sale of a property to recover debts. Debts may be secured either against a property, or a person.

Compulsory Purchase Order

Compulsory Purchase Orders allow local authorities to apply to the Secretary of State, for the purchase of properties that have been empty for a minimum of 6 months.

Empty Dwelling Management Orders (EDMO)

Empty Dwelling Management Orders allow local authorities to secure occupation and responsible management of privately owned houses and flats.

In cases where a property remains empty for a significant length of time without good reason, the Council will consider a number of enforcement options to bring the property back into use. The options available include, but are not limited to:

Enforced Sale

Enforced sale is a procedure for local authorities to recover a debt by forcing the sale of a property. In doing so it often brings the property back into use and is increasingly being used for this purpose.

Where a property has debts (owed to the Council) secured against it as a Local Land Charge, or Land Registry Caution, this may be considered an appropriate option.

In all cases the Council will first attempt to recover the debt informally, following the relevant procedure and if the debt is not cleared, a formal Notice (Section 103 Law of Property Act 1925) is served giving the owner a time period of 12 weeks in which to pay. If the Notice is not complied with the property can then be sold (normally at auction).

The money from the sale (less costs) is then passed onto the owner.

Not all debts may be secured as a Local Land Charge or as a Land Registry Caution, the Council can instead apply to the County Court for an interim charging order.

If successful, the Council may then apply for a final charging order to enforce the sale of the property.

Compulsory Purchase Order (CPO)

Where a local authority is able to make a compelling case in the interest of the public, for a property to be compulsorily purchased; and where other methods of returning the property to use have been tried and failed, a CPO can be considered a suitable option. It is generally considered to be a last resort and other methods will be attempted first.

Where this is the case the Council may apply to the Secretary of State for an Order to be made. In making an application the Council must show (among other things), a clear intention for the use of the property/land and be able to show that it has the necessary resources available to follow through with the CPO.

Where an owner is not willing to sell by agreement, an application may be made under Section 17 of the Housing Act 1985, which allows for land/property to be acquired for residential purposes if there is a general housing need in the area.

If using this provision, the Council must also demonstrate a qualitative or quantitative increase in the housing stock.

Section 226 of the Town and Country Planning Act 1990, allows local authorities to acquire land or buildings, if such acquisition will allow improvements or redevelopment to take place that contributes to the promotion/improvement of economic, social or environmental well being.

It may be appropriate to acquire empty properties that adversely affect the street scene because of their condition.

In order to obtain a Compulsory Purchase Order an application must be made to the Secretary of State and will only be successful where:

- 1 it can be proven that the public benefit outweighs the private loss
- 2 that we are able to show we have clear intentions for the land/property
- 3 that the necessary resources are in place

The process is not without financial risk and the Council should first attempt to acquire the land through negotiation.

Owners of properties that are compulsorily purchased may be entitled to compensation for the loss of their property at a level equivalent to the open market value and may be entitled to additional compensation under certain circumstances.

These additional payments are not due if the owner has been served with and has failed to comply with certain statutory notices requiring works to the property.

Empty Dwelling Management Orders (EDMO)

Introduced by the Housing Act 2004, EDMOs provide a relatively new tool for local authorities to tackle empty properties.

Two forms of EDMOs exist, an interim EDMO and a final EDMO. An interim order should be considered as the final opportunity to find a voluntary solution with the owner to bring the property back into use. In order to obtain an interim EDMO, an application must be made to the Residential Property Tribunal Service (RPTS).

Amongst other matters the Residential Property Tribunal Service must be satisfied:

- that the property is not exempt according to the Housing Strategy Statistical Appendix (HSSA). Exempt properties include:
 - ▶ second homes
 - ▶ holiday lets
 - ▶ flats and houses normally occupied by students
 - ▶ when the owner is in prison
 - ▶ when the owner is receiving or giving care
 - ▶ in the armed or visiting forces
 - ▶ if the dwelling is flood damaged or awaiting clergy;
- that the owner has been notified that the Council are going to apply for an EDMO;

- that the Council attempted to ascertain what steps the owner is taking to bring the property back into use (and those details);
- that the property must also have been empty for at least six months;
- that there is no reasonable prospect of the dwelling being occupied in the near future; and
- that by granting the order, there is a reasonable prospect of the property being brought back into use.

If these matters are satisfied, the Tribunal will then balance the rights of the owner, against those of the wider community in making their decision.

Once granted, an interim order lasts for a maximum of 12 months, during which time the Council must take such action as they consider appropriate to ensure that the dwelling becomes (and continues) to be occupied. This may include creating tenancies with the permission of the owner.

The Council must also take such other steps as they consider appropriate. Where no such steps exist which are appropriate in order to secure the occupation of the dwelling, the Council must either make a final EDMO or revoke the interim order.

No further application to the RPTS is required to make a final EDMO where an interim order has been granted, but the owner may appeal to the RPTS against the Council's decision to make such an order.

The order must set out:

- the extent and cost of any works required;
- the expected income;
- any compensation payable to third parties; and
- how the difference will be made up, where the rent payable is less than the open market rent.

It must also include details of how any surplus is to be paid to the owner (after deductions), how any surplus is to be carried over to a subsequent final EDMO, or how any deficit is to be recovered in a subsequent EDMO.

The EDMO may last up to seven years but the Council may revoke the order if it considers it is appropriate to do so.

Circumstances where revocation would be appropriate include:

- that there are no steps that the Council can take to secure occupation of the dwelling;
- that it will be, or continue to be occupied after renovation;
- the dwelling is to be sold;
- another EDMO has been made to replace it; and
- that revocation is required to prevent or stop interference with the rights of a third party in consequence with the order.

If the property is occupied at the time of revocation, it cannot be revoked without the permission of the owner and the Local Authority may make the revocation subject to payment of any expenditure not yet recovered. However, if an EDMO ceases to have effect and a deficit exists, the Council may not under most circumstances recover the relevant sums.

Whilst a final EDMO is in force the Council effectively becomes the landlord and may carry out renovation/ maintenance work, create tenancies and will be responsible for the management of the property. Both interim and final EDMOs allows a local authority to collect rent and other payments from the occupant of a property and use it to meet any expenses incurred.

It is important to consider the likely income from the property, against the expenses likely to be incurred in bringing the property up to a habitable standard and in managing the property through an EDMO.



In some circumstances the expenses incurred by a local authority may exceed the income; although the Council may still proceed with an EDMO it would result in the Council being unable to recover all of its expenses in relation to the property. This is particularly important as few empty homes are in a habitable condition.

In consequence, the property in question may not be appropriate to let and will be likely to require some, if not substantial repair work.

An EDMO might be suitable where the cost of the works to bring the property up to standard are not significant and may be recovered in the period of the Order.

In considering the most appropriate course of action, the Council will utilise all relevant legislation including; the Housing Act 2004, the Town and Country Planning Act 1990 and the Building Act 1984 as set out in **Appendix A** of this strategy.

The London Borough of Hounslow was amongst the first boroughs in London to successfully complete an Interim Empty Dwelling Management Order (IMO) and in addition, was amongst the first boroughs to go on to successfully complete a Final Empty Dwelling Management Order.

Appendix B provides a brief overview of the case history.

ACTION - *Bring problematic empty properties back into use through enforcement action*

- Develop a policy for dealing with empty properties
- Identify problematic empty properties for appropriate enforcement action
- Set up procedure and template documents for CPO, EDMO and enforced sale
- Set up a working group with other relevant departments for over seeing the enforcement action

Objective 3:

Devise and explore new and innovative ways to bring empty properties back into use and increase the housing options in Hounslow

Hounslow Council is committed to exploring innovative solutions to help reduce empty properties within the borough. The Council will research initiatives with a view to pilot successful schemes.

One type of scheme that the Council will consider is:

First Time Buyer Financial Assistance

This scheme will target first time buyers who purchase an empty property that requires works, to bring the property up to the Government's Decent Homes Standard within a specified time.

The scheme will encourage first time buyers by offering substantial financial assistance which will be match funded, making the refurbishment cost more manageable.

The Council's surveyor will determine what level of work is needed to achieve the Government's Decent Homes Standard and a schedule of works will be given to the applicant to that effect.

ACTION - *Devise and explore new and innovative ways to bring empty properties back into use and increase the housing options in Hounslow*

- Develop policies for newly identified schemes such as first time buyers, owner occupier in hardship
- Explore other solutions and set up relevant policies
- Promote options available for bringing empty properties back into use
- Review the current Empty Property Grant Policy



Objective 4:

Develop a co-ordinated approach to help identify and tackle empty properties



In order to contribute towards the growing demand for housing, together with tackling the blight of empty properties, the Council intends to work in collaboration with other departments and external partners to help bring empty properties back into use.

Private Sector Housing will build on the close working relationship it has with Council Tax officers, with a view to replicating this with other departments across the Council including:

- Safer Neighbourhood
- Building Control
- Registered providers
- Government agencies
- Planning
- Pollution
- Hounslow Homes

The London Borough of Hounslow is the lead authority for the West London Housing Partnership (WLHP) (which includes Kensington and Chelsea, Hammersmith and Fulham, Brent, Harrow, Hillingdon and Ealing).

As detailed in paragraph 2.2, the partnership has received direct government funding and has brought 780 empty properties back into residential use across all member boroughs in the last 5 years.

The Council intends to build on the success of the WLHP by establishing/restabilising partnerships with relevant government agencies, as there is a clear commitment from the new coalition government.

Taking action on empty properties in London is one of the key priorities for The Mayor of London. The Council will use this opportunity, together with the resources made available by the Mayor, to achieve the objectives set out in this Strategy.

ACTION - *Develop a co-ordinated approach to help identify and tackle empty properties*

- Create a communication channel with relevant departments and external bodies
- Develop a protocol for a referral mechanism
- Set up a proactive program to help identify empty properties
- Carry out Private Sector Stock Condition Survey

Action Plans

1. Encourage owners to bring empty properties back into use

Action	Target date	Lead section	Resources	Measurable outcome
Maintain an accurate database of empty properties	Ongoing	Empty Property Officers	Data entry system (Flare)	Bi-annual checks
Hold publicity campaigns to promote available services	Annually July to August	Empty Property Officers	Funding	Annual checks to ensure information is accurate and useful
Develop a procedure for dealing with empty properties	September 2011	Empty Property Officers, Head of Private Sector Housing and Policy and Performance	Existing procedure Input from Empty Property Officers	Create procedure
Bring 50 empty properties back to use annually, through advice and assistance	March of every year	Private Sector Housing	Empty Property Officers Legal Team	Annually reduce the the number of empty properties by 50

2. Bring problematic empty properties back into use through enforcement action

Action	Target date	Lead section	Resources	Measurable outcome
Develop a policy for dealing with empty properties	September 2011	Empty Property Officers and Head of Private Sector Housing	Existing procedure Input from Empty Property Officers	Create procedure
Identify problematic empty properties for appropriate enforcement action	Ongoing	Empty Property Officers	Close working with internal departments Street survey	Six-monthly review
Set up procedure and template documents for CPO, EDMO and enforced sale	December 2012	Empty Property Officers and Head of Private Sector Housing	Existing staff	Confirm with Borough Solicitors the documents are legally correct
Set up a working group with other relevant departments for overseeing the enforcement action	March 2014	Empty Property Officers and Head of Private Sector Housing	Department networking	Check progress annually

3. Devise and explore new and innovative ways to bring empty properties back into use and increase the housing options in Hounslow

Action	Target date	Lead section	Resources	Measurable outcome
Develop policies for newly identified schemes such as first time buyers, owner occupier in hardship	Ongoing	Empty Property Officers and Head of Private Sector Housing	Information on successful schemes	Implement and monitor each scheme throughout its duration, inline with the new policy
Explore other solutions and set up relevant policies	Ongoing	Empty Property Officers and Head of Private Sector Housing	Existing staff	Implement and monitor each scheme throughout its duration inline with the new policy
To promote options available for bringing empty properties back into use	Ongoing	Empty Property Officers	Existing staff, PR Team and funding	Two landlord events per year and website advert every six months
Review the current Empty Property Grant Policy	December 2011	Empty Property Officers and Head of Private Sector Housing	Current policy	Revise and amend the policy if required

4. Develop a co-ordinated approach to help identify and tackle empty properties

Action	Target date	Lead section	Resources	Measurable outcome
Create a communication channel with relevant departments and external bodies	Ongoing	Head of Private Sector Housing	Departmental staff	Agreed periodic referrals with four meetings per year
Develop a protocol for a referral mechanism	May 2011	Empty Property Officers and Head of Private Sector Housing	Departmental staff	Agreed protocol
Set up a proactive program to help identify empty properties	Ongoing	Empty Property Officers	Funding	Monitor additional properties identified every six months
Carry out Private Sector Stock Condition Survey	September 2011	Head of Private Sector Housing	Funding and Staff resources	Stock Condition Report

Resources

In order to successfully deliver the Empty Property Strategy, the Council will utilise all available resources across its own departments and its external partners, including the continuation and growth of the WLHP

The key resources required to continue to deliver this strategy include:

- The continuation of two Empty Property Officers. There are two Empty Property Officers, one of which is funded directly by a Government grant until March 2011. If the Officer is not funded after March 2011 this will severely limit the department's capacity to deliver this strategy.
- The Council Tax Department's continued co-operation in providing the Empty Property Officers with information to help identify additional empty properties.
- A close working relationship with the Planning Department.
- A close working relationship with the Borough Solicitors Office. It is imperative and essential that legal action is taken promptly and in accordance with law in problematic cases.
- Continued government funding to assist owners bringing their empty properties back in to use.
- Funds to carry out marketing campaigns and projects to assist the Empty Property Officers.
- Continued engagement with the WLHP and proactive involvement with key government agencies.

Monitoring the Strategy

The effectiveness and delivery of the Strategy will be monitored through its Action Plans, which will be linked to the Hounslow Plan and the Departmental Business Plan.

The actions identified under each objective will be monitored within the Housing Management Team via meetings on a regular basis. The overall progress towards the annual target of bringing empty properties back into use is monitored as a Level 1 Performance Indicator, by Members at quarterly Council Executive meetings.

The success of new policies, procedures and initiatives will be measured by achievement of the overall target.

The Head of Private Sector Housing will be responsible for co-ordinating delivery and compliance with the Action Plans.



Appendix A - Relevant legislation

Housing Act 2004

The current standard for assessing housing conditions is a risk-based assessment process carried out using the Housing Health and Safety Rating System (HHSRS). The purpose of the HHSRS assessment is not to set a standard, but to generate objective information in order to determine and inform enforcement decisions.

The HHSRS assesses 29 categories of housing hazards; it does not provide a single rating for the premises as a whole or, in the case of multiple occupied buildings, for the building as a whole.

The assessment is based on the risk to the potential occupant who is most vulnerable to that hazard. For example, falls associated with stairs and steps constitute a greater risk to those aged over 60. Therefore when assessing hazards relating to stairs, it is this group that are considered the most vulnerable. A dwelling that is safe for those most vulnerable is safe for all.

The rating is expressed through a numerical score that falls within a prescribed band. There are 10 bands; Bands A to C are category 1 hazards and Bands D to J are category 2 hazards.

Action undertaken by the Council is based upon a three-stage consideration; (a) the hazard rating determined under the HHSRS; (b) whether the Council has a duty to act for category one hazards or power to act for category 2 hazards; and (c) the authority's judgement as to the most appropriate course of action to deal with the hazard, having regard to Statutory Enforcement Guidance and the Council's Enforcement Policy.

The Housing Act contains a range of enforcement options available to local authorities including the power to:

- serve an improvement notice requiring remedial works;
- make a prohibition order, which closes the whole or part of a dwelling to some or all of the occupiers (or restricts the number of permitted occupants);
- suspend these types of notice;
- take emergency action¹;
- serve a hazard awareness notice;
- make a demolition order²; and
- declare a clearance area².

1 Not available for Category 2 hazards

2 Available for Category 2 hazards only in prescribed circumstances

The Statutory Enforcement Guidance to the 2004 Act, states that the action chosen must be the most appropriate course of action, in relation to the hazard in all the circumstances and sets out the general factors relevant to the enforcement options listed above.

Other powers exist that can help bring problematic properties back into use, these powers are as follows:

Town and Country Planning Act 1990

If it appears to the local authority that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner under section 215 of the Act, requiring that the situation be remedied. The notices should set out the steps that need to be taken, and the time within which they must be carried out. A power under section 219 exists for the Council to undertake clean up works and recover the costs from the landowner.

The scope of works that can be required in section 215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting.

Building Act Notice under the Building Act 1984

Section 79 of the Building Act 1984 empowers local authorities to deal with ruinous and dilapidated buildings or structures and neglected sites, *"in the interest of the amenity"*.

Section 77 of the Building Act 1984 enables a local authority to deal with buildings that it considers to be dangerous. It can apply to the Magistrates Court for an order requiring the owner to make the building safe or demolish it. If the owner fails to comply, the Council can carry out the works in default.

Section 78 of the Building Act 1984 allows local authorities to deal with buildings that pose an immediate danger. This emergency measure allows them to carry out remedial works without giving the owner the opportunity to deal with it directly. The local authority is only entitled to carry out works that remove the danger.

Appendix B - Case study

The property initially came to the attention of the London Borough of Hounslow in 2003, when it was reported as an empty property. An investigation was undertaken to identify and contact the owners and other possible responsible parties, however, no additional parties were identified.

The Empty Property Officer arranged to have the property secured against unauthorised entry, and at this time it was noted that the property was in an advanced stage of disrepair with evident structural defects, which had a potential to impact on the neighbouring properties.

Given the lack of response from the owner and any other possible interested parties, it was considered that it was in the public interest for the Council to exercise its powers under the Housing Act 2004.

Following an internal and external inspection, it was the Council's decision that an Interim Empty Dwelling Management Order would be the most appropriate course of action.

In preparing the case to the Residential Property Tribunal, the Empty Property Officer contacted the neighbouring landowners and residents to ascertain, in their opinion, how the empty property affected them.

The Interim Management Order was approved in July 2007, whereupon at this stage the Empty Property Officer began the tender process, which resulted in works commencing in September 2007. Further to this a Final Empty Dwelling Management Order was approved in June 2008. The property was occupied in September 2008.



Empty Property Strategy 2011 - 2016

Accessible formats and translations:

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