



**BURNLEY BOROUGH COUNCIL**

**EMPTY HOMES STRATEGY  
2008 - 2011**

**Housing Unit  
Red Lion Street  
Burnley**

**June 2008**

**Empty Homes Strategy 2008 - 2011**

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## **Foreword; Empty Homes Strategy**

### **Overview from Councillor Martin Smith, Executive Member for Regeneration and Economic Development**

Welcome to Burnley`s Empty Homes Strategy for the next three years. It represents a new approach to tackling the problems posed by empty properties in the private sector in Burnley and will develop ways of returning these properties to housing use. Our communities want better neighbourhoods to live in and this strategy is in keeping with the regeneration work going on through the Council`s Housing Market Renewal programme.

Empty properties represent a wasted resource in the community and we are committed to maximising their re-use. The Council is committed to reducing the number of empty properties in the town by working with the owners of properties. This will assist us to revitalise areas within Burnley and improve the environment.

The strategy provides information about why properties are empty, the benefits of bringing properties back into use, and, more importantly, details a framework as to how the Council will tackle the issues. The strategy identifies new ways of tackling vacant properties in Burnley. It supports the Council`s Housing Strategy and other appropriate programmes in the Council. It will assist the Council to bring about the change it wants to see within neighbourhoods, contributing to better neighbourhood management, while providing the opportunity for reducing empty homes and providing accommodation in Burnley.

The strategy has been developed through a process of wide consultation with stakeholders, Members, partner organisations and the wider community. It will be very much a working document. It will be reviewed regularly and updated on an annual basis.

In adopting this strategy, we will improve the quality of life in our local communities.

**Councillor Martin Smith  
Executive Member for Regeneration and Economic Development  
Burnley Borough Council**

## EXECUTIVE SUMMARY

In Burnley, our aim is to build sustainable neighbourhoods across the borough. The Housing Strategy for the town reflects local needs and aspirations and sets out priorities for action for the Council and our partners for the period 2006 – 2009. This Empty Homes Strategy sits in this wider context, supporting the overarching Housing Strategy and complementing other programmes and initiatives to meet local housing demands and ensure quality accommodation for all.

The aim of this strategy is to contribute towards creating sustainable communities, by bringing back into use empty homes for the benefit of local residents, the local economy and the wider community. It is widely recognised that bringing empty homes back into use can contribute to meeting the demand for housing and the reduction of antisocial behaviour and statutory nuisances.

Tackling the problem of empty homes is not an easy one and requires a range of approaches to do it successfully. Burnley`s Empty Homes Strategy 2008 – 2011 sets out how we will use the range of options we have available.

To achieve the overall aim of the Empty Homes Strategy, we have identified several strategic objectives including:-

- Preventing properties from becoming long term vacant
- Raising awareness of the Council`s work on empty homes
- Recording of empty properties
- Developing partnership working to coordinate work on empty homes
- Proactively targeting enforcement
- Supporting local communities aspirations for improved neighbourhoods

These objectives will be achieved by maintaining a structural and positive approach to implementing a set of policy tools including:-

- information and advice
- inspections
- enforcement

The strategy will explore new innovative ways of returning empty homes to occupation including:-

- Enforced Sales procedure
- Empty Dwelling Management Orders

The strategy contains an action plan that sets out the milestones for the delivery of the strategy objectives and who is responsible for taking action

If you have any queries on the strategy itself contact David Hodgson, Housing Renewal Manager on 01282 425011 Ext 2373 or [dhodgson@burnley.gov.uk](mailto:dhodgson@burnley.gov.uk)

# 1. Introduction

For a housing market to operate, it is necessary for a proportion of properties to be empty to enable transfer of ownership. Generally, these properties are empty for a short period of time, usually less than 6 months. They may be in the process of being sold, let, refurbished or have been inherited. These properties are not a problem, as they have an intended use, and steps have been taken to achieve this.

Homes that have been left for long periods, for whatever reason, can cause concern for local residents especially if they become a target for vandalism or burglary, the appearance declines and they have a negative effect upon the neighbourhood. In recent years, Burnley has been faced with growing numbers of empty properties, due to many factors in the housing market.

The scope of this strategy is those properties that have been empty for a period of 6 months or more and that are not actively being brought back into use.

For the purposes of this strategy, our definition of a long term empty home is:

“A residential property that has been unoccupied for 6 months or more and does not have a reasonable prospect of being brought back into use by the owner without local authority intervention”

This definition does not include second homes, student accommodation, properties already identified for demolition as part of the Councils Clearance Programme, houses for sale or houses awaiting planning permission for renovations or refurbishment.

The definition allows a sufficient length of time for market forces to act to return an empty home into use without any intervention. While the focus of the strategy is on private sector housing, the Council also recognise the need to work in partnership with Registered Social Landlords to tackle long term vacant properties within the affordable housing sector.

## **The problems associated with empty homes.**

Long term empty homes represent a wasted resource and cause a number of problems for the owner and the surrounding neighbourhood.

- The waste of a property that could provide an additional home in an area of high housing need.
- They can attract crime and antisocial behaviour including fly tipping, arson and squatting.

- They can reduce the value of surrounding properties.
- They can cause physical damage to adjacent properties through lack of maintenance.
- They can become an eyesore in the neighbourhood.
- They can pose a threat to safety, particularly young children.
- They can become costly for the owner to maintain
- They can become costly for the Local Authority to investigate and are a loss of council tax revenue.

### **The benefits of returning empty homes back into use.**

There are significant advantages for everyone in the area by returning empty homes back into use.

For the owners – it unlocks potential capital if the property is sold; it will produce rental income if the property is let and there is the potential for an increase in property value.

Leaving a property empty increases the risk of vandalism and crime, making the property more costly to insure empty, if it can be insured at all. This leaves the owner vulnerable to losing their asset completely if it were destroyed by fire.

For local residents – it reduces the opportunities for vandalism, fly tipping and antisocial behaviour in all its forms.

Unsightly properties can have a negative effect on a neighbourhood; reduce house prices and lower people's pride in the area.

For the local economy – bringing an empty home back into use contributes to the regeneration of an area, increasing spending in the local economy and helping to protect the value of surrounding properties.

Unsightly properties can often deter investment in an area, which can lead to decline.

For the wider community – returning properties back into use reduces demands on services such as the Police, Fire and the Council to deal with the associated problems. As a consequence resources can be used more effectively elsewhere and those once empty homes provide additional housing for the local community.

***Key Points***

***The priority for the strategy is to bring long term empty homes back into use.***

***Our definition of a long term empty home is***

*“A residential property that has been unoccupied for more than 6 months and does not have a reasonable prospect of being brought back into use by the owner without local authority intervention”*

***Long term empty homes present problems. They are a wasted resource, can cause problems for the owner and the surrounding neighbourhood by reducing property values and attracting crime and antisocial behaviour. They are also a drain on local authority resources and are a loss in Council Tax revenue.***

***There are significant benefits of bringing empty homes into use for property owners, local residents, the local economy and the wider community.***

## 2. Profile of Burnley`s empty homes problem.

How many empty homes are there?

### The National Perspective

It is estimated that in England there were 672,924 empty homes in all tenures as of April 2007. (Source: Empty Homes Agency 2007). Burnley is in the North West Region, which shows the highest level of empty properties.

Region	Total Number of Empty Homes	Percentage of Empty Homes	Privately Owned Homes empty over 6 months
North East	43686	3.76	17960
Yorkshire and Humberside	78850	3.49	36401
East Midlands	63308	3.33	26498
East of England	61028	2.50	26244
London	83576	2.57	27437
South East	83745	2.35	31855
South West	57603	2.50	20365
West Midlands	72135	3.11	16166
<b>North West</b>	<b>128993</b>	<b>4.18</b>	<b>61450</b>
<b>ENGLAND</b>	<b>672924</b>	<b>3.02</b>	<b>279281</b>

Current data would indicate that the Burnley figure of 7% of homes empty is considerably higher than the national average of 3.02% and the North West average of 4.18%.

Bringing empty homes back into use links into wider Government objectives including creating sustainable communities, tackling low demand and market failure, tackling antisocial behaviour, the provision of affordable homes and ensuring that homes are of a decent standard.

The empty homes issue continues to maintain a high profile and local authorities are encouraged by Government to adopt a robust strategy that will result in worthwhile reductions in the number of empty properties in their area. The Government have supported local authorities through recent policy and guidance.

Changes have been made to private sector housing legislation in the Housing Act 2004, which introduces new powers for local authorities to deal with empty properties.

Government advice in Planning Policy Statement 3 sets out the Government`s policy on how to provide affordable housing through the planning system.

Para 41 states that local planning authorities should “develop proactive policies to identify and bring into residential use empty housing ....in line with empty homes strategies and where appropriate acquire properties under compulsory purchase powers”.

In the Government’s latest Green Paper “Homes for the Future: More Affordable, More Sustainable”, published in July 2007 the Government states that Local Authorities will need to do more to bring long-term empty homes back into use and that, as part of their strategic role, they should make better use of empty homes when looking to increase housing supply.

**The Regional Perspective: Lancashire. ( \* )**

<b>Local Authority</b>	<b>Total Number of Empty Private Sector Homes</b>	<b>Empty Homes as a Percentage of Total Private Sector</b>	<b>Private Homes Empty More Than 6 months</b>
Blackburn with Darwen	3471	5.88	1251
Blackpool	3854	5.65	1439
<b>Burnley ***</b>	<b>2665</b>	<b>6.6</b>	<b>2271</b>
Chorley	1469	3.3	618
Fylde	1573	4.45	805
Hyndburn	2000	5.53	1321
Lancaster	2461	4.11	1186
Pendle	2420	6.18	2163
Preston	2556	4.36	857
Ribble Valley	812	3.33	351
Rossendale	1610	5.37	744
South Ribble	430	0.93	220
West Lancashire	570	1.21	253
Wyre	1513	3.12	499
<b>Lancashire</b>	<b>27700</b>	<b>4.35</b>	<b>13008</b>

\* Source: Empty Homes Agency 2007

\*\*\* Source: Council Tax Data April 2008

The above table presents a regional comparison. Burnley has 2665 empty homes, with 2271 being reported as empty for over 6 months. It also shows that Burnley has the highest number of empty properties in the Lancashire area.

**The Local Perspective: Burnley**

As stated above, it is estimated that Burnley has approximately 2,665 empty properties in its private sector housing stock, of which 2,271 have been vacant for more than 6 months. A large proportion of these vacant properties are situated in 4 Wards of Bank Hall, Daneshouse, Queensgate and Trinity,

which are situated in the designated Housing Market Renewal Area of the borough.

Below is the breakdown of empty properties by Ward.

<b>Ward</b>	<b>Number of private sector empties</b>	<b>Number of private sector empties over 6 months</b>
Bank Hall	395	156
Barclay	154	75
Briercliffe	72	24
Brunshaw	65	19
Cliviger	78	36
Coal Clough	96	38
Daneshouse	301	185
Fulledge	200	92
Gawthorpe	181	56
Hapton	171	71
Lanehead	103	42
Lowerhouse	180	71
Queensgate	198	106
Rosehill	116	41
Trinity	253	118
Whittlefield	109	34
<b>Totals</b>	<b>2672</b>	<b>1164</b>

In Burnley there is a higher percentage of pre 1919 terraced housing than that found nationally and it is within these areas of older terraced housing, particularly where there is a high concentrations, that the empty homes problems is most severe

Many empty properties in Burnley are the result of weaknesses in the housing market where there has been a concentration of low value, poorly maintained properties that no longer meet the aspirations of homeowners.

The information above presents a clear case for action and it is through this strategy that the Council and our partners will build on current strengths and develop new means to tackle empty properties within the borough.

### **Strategic links**

#### **The Sustainable Community Strategy**

The Community Strategy has a clear vision for Burnley.

“To achieve a Burnley that we can all be proud of. A Burnley that will become a place with a diverse and united community, a modern economy, a healthy,

safe and clean environment and quality services, which work together for the good of the public”.

The strategy describes in detail the opportunities that exist within Burnley and the successes that can be built upon. Improving homes and neighbourhoods is a key opportunity and tackling vacant properties is a key element in carrying out improvements to areas that have suffered housing market decline.

Burnley Borough Council – Strategic Plans

### **Housing Market Renewal**

Burnley is part of East Lancashire’s Housing Market Renewal Pathfinder. Elevate is charged with finding innovative solutions to the problem of low demand, negative equity and housing market failure affecting more than 85,000 homes in towns across East Lancashire. Our partners across the region are working with us to deliver an ambitious programme to revitalise failing neighbourhoods.

A major part of the programme focuses on improving the quality and diversity of the housing stock. However, the Council’s Housing Market Renewal Strategy also aims beyond bricks and mortar to the creation of vibrant and sustainable communities. The Council works with public and private sector partners to bring about social, economic and environmental change, which will make East Lancashire a place where people choose to live, work, visit and relax.

#### **The Housing Strategy**

A key priority in the Council’s Housing Strategy is to “Regenerate Neighbourhoods and Revitalise the Housing Market”. Within this priority, the strategy commits the Council to improving local housing conditions and the local environment. This will focus on improvements to existing properties and related neighbourhood initiatives.

The strategy recognises that empty properties are a key issue for Burnley. There is a strong correlation between “unfitness” and vacancy and “unfit” and vacant properties are often likely to contribute to the decline of a neighbourhood. The Objectives of the strategy set out a commitment to maximising the number of empty homes brought back into use. A range of activities are confirmed to improve action on empty homes, and the document also includes the development of an Empty Homes Strategy.

#### **Crime and Disorder Strategic Assessment**

The Burnley Community Safety Partnership Strategic Assessment 2008 has set targets to reduce the incidents of crime and antisocial behaviour and re-establish resident and investor confidence in the communities of Burnley.

The Empty Homes Strategy will assist the achievement of this Strategic Assessment by dealing with problematic and long term empty properties,

which often attract petty crime. . The strategy will seek to develop closer links with the Multi Agency Problem Solving team to achieve a reduction in crime incidents associated with empty properties and restore resident and investor confidence.

### **Homelessness Strategy**

The Homelessness strategy aims to provide an integrated homelessness and support service, which offers quality and choice in rehousing and follow on support.

The Empty Homes Strategy will support the homelessness strategy by identifying empty homes, providing a potential rehousing source and improving the supply of affordable housing within the borough.

### **Our Achievements**

From the start of the Vacant Property Initiative in 2003/04, the Council has recorded significant achievements including:

- Bringing over 108 properties back into use
- Renovating 13 properties to the decent homes standard
- Developing a Vacants Disposal Policy
- Facilitating the rehousing of people affected by clearance into empty homes
- Developing a joint Lancashire Website with advice to property owners on how to bring empty properties back into use.
- Returning empty homes to use through the Good Landlord and Agent Scheme.
- Assisting our RSL partners to secure funding from the Housing Corporation to renovate and bring empty properties back into use.

#### ***Key points***

***The figure of 7% empty homes in Burnley is considerably higher than the national average of 3.01% and the North West average of 4.18%. Burnley has the highest number of empty properties in the Lancashire area.***

***In Burnley the highest concentration of empty properties are found in areas of older terrace housing where low value, poorly maintained properties no longer meet the aspirations of homeowners***

***The strategy links into the Government objectives of creating sustainable communities, tackling low demand and market failure through the HMR Pathfinders, increased provision of affordable homes and tackling antisocial behaviour.***

***The strategy links into and compliments the Council's corporate strategies including the Housing Market Renewal Strategy, the Sustainable Community Strategy, Housing Strategy, Crime and Disorder Strategic Assessment, Homelessness Strategy.***

### **3. Delivering the Strategy.**

Burnley's Housing Strategy stated that tackling empty properties was a clear strategic aim for the borough. The key aim of this Empty Homes Strategy is to set out the detail of this priority and maximise the number of empty homes that are returned into use. To achieve this the objectives and actions within this empty homes strategy will be delivered under four key priorities.

Initially this section will begin by looking at the work we are currently doing on empty homes, together with some recent developments. It will then go on to look at what we intend to do in the future, what tools we will employ and what actions we will take to improve our performance on returning empty homes back in to use.

#### **The Priorities**

**Priority One** – Improve the recording and identification of empty homes and action to deal with them.

**Priority Two** - Work with owners to bring empty homes back into use.

**Priority Three** – Work with partners to reduce the number of empty homes in the borough.

**Priority Four** - Develop and implement policy tools to improve action on empty homes.

#### **Priority One – Improve the recording and identification of empty homes**

Priority One is concerned with the identification of properties and the recording and monitoring of that information. It is the first stage in the process. It is an important stage as it enables us to know where empty properties are located, details about those properties, which enables us to prioritise them for future action so that resources can be effectively targeted.

#### **What are we currently doing?**

At present we identify the majority of empty homes from the Council Tax list. Council Tax records are a useful starting point not only in identifying empty homes but are a resource for obtaining or verifying information in order to locate the owners of these properties. Empty homes are also identified following complaints or referrals from a variety of sources including Councillors, Council Officers, and members of the public and external agencies.

To improve the recording and identification of empty properties, we are making use of the Local Government Act 2003, Section 85, which permits the

use of Council Tax data to identify empty homes and to assist in implementing the procedures to bring them back into use. This information is restricted to an owner's name, address or telephone number.

We are also making use of Section 237 of the Housing Act 2004, which allows the local authority to use information obtained for Housing Benefit or Council Tax purposes in order to carry out its functions under Parts 1 – 4 of the Act dealing with housing conditions, licensing of HMOs, selective licensing and management orders.

To further improve the recording of empty properties, the Housing Unit have developed a database that records detailed information about properties and owners details. This database is managed by the Empty Homes Officer and updated by regular Council Tax reports. Routine reports can be run to monitor performance and track progress over time.

Information and advice on vacant properties has been incorporated into a Lancashire wide website and the Council's website includes similar information. An empty homes email address, has been established as a contact point for all empty homes enquiries.

Mapping empty homes data onto the Geographical Information System allows us to track trends, identify hotspots and link empty homes to the areas of greatest housing need.

### **Priorities for the future**

We target the following types of empty homes;-

- Homes which have been empty for more than 6 months
- Empty homes that are a nuisance or the cause of complaints from residents.
- Empty homes that appear in priority action areas.
- Empty homes that are in a poor state of disrepair

Having targeted these specific categories of vacant properties, we need to improve the way in which we prioritise vacant properties for future action based upon the recorded information we have obtained and the type of homes that we target.

The current approach to prioritising vacant properties, while successful in many ways, has been limited and needs to be expanded to ensure that we are able to prioritise all properties reported to us.

Prioritisation of empty properties.

Whilst it is important to bring all long-term empty properties back into use, the Council recognises that some houses cause greater concern than others. In order to maximise the effectiveness of our limited resources, we must prioritise intervention to have the greatest impact.

We will prioritise our actions according to the following Empty Homes colour coded matrix.

<b>RED</b>	<b>AMBER</b>	<b>GREEN</b>
Vacant longer than 4 years	Vacant longer than 2 years	Vacant longer than 6 months
In key strategic locations such as the Area Action Plan neighbourhood, Selective Licensing Area, facelifted blocks or blocks adjacent to clearance areas.	Not in an area action plan neighbourhood but in the wider housing market renewal intervention area.	Outside the intervention area
A purchaser is committed to buying the property	A purchaser has expressed an interest in the property	No purchaser has been identified for the property
In property is in serious disrepair	The property is in a poor condition	The property is generally clean and tidy on the outside
No attempts have been made to renovate or refurbish the property	No or little attempt made to renovate or refurbish the property	Works are ongoing to return the property in to use
The property is insecure	The property boarded up but secure	The property is secure
The property is generating serious antisocial behaviour and fly tipping	The property is causing a nuisance	No nuisance is associated with the property

This system takes into account specific factors about the property including the strategic location, management standard and the impact upon neighbouring properties and the local community.

## **Priority Two – Work with owners to bring empty homes back into use**

This priority is associated with providing encouragement and support to empty property owners. It is important that we aim to provide good quality and up to date advice and information to owners about all aspects of bringing their empty properties back into use, the benefits of turning their empty properties into homes and the options available for them.

### **What we are currently doing?**

Establishing ownership of empty properties

One of the major problems officers face when dealing with empty properties is establishing the ownership of the property. In some cases this is relatively straightforward. However, some owners may not live locally. The Council's designated Empty Property Officers have responsibility for establishing ownership of empty properties through various means including enquiries through the following agencies:

- Council Tax data
- Land Registry
- Utility companies
- Neighbours
- Property Gazetteer

Empty Property Database

A database of empty homes has been developed, which provides a reference tool and an effective way of monitoring the number of empty homes, their history and ownership details. The database facilitates the identification of areas where the problem of empty homes is worsening and consequently where future action is targeted. The database contains ownership details, which are used for further correspondence with the owner.

Inspection

An external inspection of the property will be completed at this stage and photographs taken of any problem or dangerous areas. If the property needs any remedial work to rectify dangerous areas the owner will be contacted and asked to carry out the work immediately. Where this is not possible the works will be done and a charge raised against the property. This will also apply where properties need securing.

## Communication

Throughout the above process, communication with the owners of empty property will be vital. Initially, owners will be contacted regarding their intentions towards the vacant property.

Where owners respond they will be given advice and information about how to bring their properties back into use either through letting or sale. We will provide owners with literature advising them of the benefits of returning empty homes to use and outlining the options open to them. For example, an owner who wishes to retain the property may wish to consider the following:

- Re-occupying the property themselves
- Letting the property through a letting or management agent
- Letting the property and managing it themselves – Landlord Accreditation will enable the owner to run a successful rental business
- Voluntary sale to private individual, property developer or Housing Association.

Where owners do not respond, further attempts will be made to contact them. It is crucial that owners are aware that whilst the Council is keen to work with them in bringing properties back into use, the negative effects of empty properties on areas means that enforcement action will be used when deemed necessary.

## Enforcement

Enforcement action will be taken if the owner fails to respond to repeat attempts to contact them, or where reasonable progress has not been made to bring the property back into use. Action will be taken where a property is of a particular concern, for example, attracting antisocial behaviour.

## **Priorities for the future**

### Information and advice.

The Council sees the continuing provision of advice as important in encouraging the return of empty homes into use. The Council's Empty Homes Officer will continue to provide assistance with identifying the range of options available to the owner on how the property may be returned to use usually suggesting the most suitable option under the given circumstances.

### Inspections

All empty homes targeted for action are inspected to establish what condition they are in and whether they cause a nuisance to adjoining properties and neighbours. Further action is considered based upon the outcome of the inspection. Copies of schedules of work will on request be forwarded to property owners to assist them to make decisions on the most appropriate

option for them and to enable them to take financial decisions on whether they wish to retain the property or to sell it on.

#### Improving the quality of advice

The Lancashire Empty Homes Partnership site was opened in 2008 with the aim of providing guidance and information on tackling empty homes in the region.

The site offers information to owners and interested persons on how to reduce some of the problems empty homes attract, as well as useful information on how to get your empty property back into use. The site includes information on reporting an empty property, advice to owners on buying, selling, owning, letting properties as well as who to contact in each local authority to obtain further advice or to discuss particular issues.

The site can be accessed at [www.lehp.co.uk](http://www.lehp.co.uk)

#### Landlord Accreditation Scheme

The Council will work with property owners who wish to retain the property for rent through its accreditation scheme. The Good Landlord and Agent Scheme (GLAS) assists in raising standards in the private rented sector. If the owner of an empty home is a landlord, who is accredited or willing to work towards accreditation, then the Scheme could provide financial assistance towards the cost of repairing an empty home through a landlord accreditation grant. This ensures that the properties meet the decent homes standard before they are brought back into use.

#### Empty Property Brokering Service

The key aim of accreditation is to raise standards in the private rented sector. Owners of empty properties wishing to sell will be put in touch with accredited landlords and agents who have expressed an interest in buying properties of that type, location and value. Alternatively, if owners wish to let their property, they can be referred to the Scheme and can be advised about setting up a successful tenancy and legal requirements.

A further such brokering scheme outside of accreditation will be developed to link owners with local builders and developers, who may be willing to acquire properties for renovation and subsequent rent or sale.

#### Bond Scheme

This scheme, which is administered by the Council, helps people in housing need access good quality accommodation in the private rented sector. Many prospective tenants do not have the necessary funds to provide a landlord with a deposit. We will continue to support the Bond Scheme as this can help in encouraging an owner or landlord to bring the property back into use.

## **Priority Three – work with partners to reduce the numbers of empty homes in the borough.**

This priority is associated with a recognition that in order to achieve the aims of the Empty Homes Strategy, successful delivery of the strategy requires the cooperation and commitment of a range of key partners. Stakeholders will include internal Service Units of the Council such as Council Tax, Streetscene, Community Engagement and Cohesion as well as external agencies such as Lancashire Constabulary, Lancashire Fire and Rescue Service and national organisations such as the Empty Homes Agency. As above, local RSL partners will provide a key resource in bringing empty homes back into use.

Partners are crucial to the delivery of this strategy and it is only through developing a close working relationship and a shared strategy for action that we will achieve our priorities.

### **What are we currently doing?**

We have recognised already that the causes and consequences of empty homes is not an issue that is solely housing related. Working with internal colleagues, we have developed our expertise in areas that impact on empty property work, such as planning and environmental issues. We recognise that information sharing is important between service units, whose work impacts on empty homes, for example Council Tax, and we have developed good informal partnering arrangements with them.

Different service units have specialist expertise in dealing with the different aspects pertaining to empty homes. Internal and external partners we currently work with are briefly considered below.

#### Internal partners

- Revenues and Benefits

Owners of empty homes are required to pay 50% of the Council Tax on their properties. These homes are registered by the Council Tax Officer and are included on the list of empty homes sent to Housing. This information is important in the identification and targeting of empty homes and the information on ownership facilitates a dialogue with owners on options available to return homes to occupation.

- Planning and Environment

Planning take into account empty homes when formulating policies on making best use of existing homes and planning for future growth.

- Streetscene

Streetscene will identify empty homes as part of their role in tackling property nuisance and environmental issues such as fly tipping. The existence of empty homes in an area may lead to antisocial behaviour and other types of crime. The Community Safety Team will help to address these aspects of the problem.

- Community Engagement and Cohesion

The team is a useful source of information on empty homes referred from residents and a source of conveying back to residents the Council's policy on dealing with these properties. The team is also instrumental in obtaining feedback from residents on whether the Council's policy is working and can feedback suggestions from residents that can help influence change.

- People and Law

The Officers of the Council's People and Law Unit are an important part of the process when making compulsory purchase orders and the referral of legal queries in connection with enforcement action.

- Housing

The Good Landlord and Agent Scheme, Selective Licensing, Facelifting, Enforcement link into the Vacant Property Initiative, referring properties to the Scheme so that further action can be taken.

External partners.

Registered Social Landlords

Burnley has a strong partnership with its lead Registered Social landlords, working on a number of housing initiatives. These partnerships are essential to achieving the Council's wider regeneration initiatives. The Council will continue to develop these partnerships to reduce the number of empty homes in the private sector.

Private Landlords and Agencies

Advice is available to landlords and agencies on a range of issues that affect them and the promotion of good practice is done through the Council's Private Rented Sector Forum and through the Good Landlord and Agent Scheme (GLAS). Grants are available through GLAS to assist landlords who are working towards accreditation to bring empty properties back into use. A

Bond is available to tenants nominated by the Council to enable them to access these properties.

#### Other Local Authorities

We are successfully working with other Lancashire authorities through the Lancashire Empty Homes Partnership (LEHP). The Partnership provides guidance and information on tackling the problem of empty homes in the region. On the LEHP website there is jointly agreed information available to members of the public and to landlords on issues ranging from reporting an empty property to buying, owning and letting them.

#### Community groups

Where relevant, local community representatives are consulted over the identification of empty properties and potential schemes. Meetings are held within the community at which residents are informed of the Council's procedures and policies in relation to specific properties causing concern or in relation to the Council's proposals for tackling empty homes in their area.

#### Private Estate Agents

The Council has a good working relationship with local estate agents, who provide the Council with valuable information on the trends of the private rented market and can manage properties on the owner's behalf. We maintain a dialogue with local agents as properties we have acquired may eventually be sold through local estate agents. It is important that the Council receives the best advice when marketing these properties in order to achieve a successful sale.

### **Priorities for the future**

#### Establishing an Empty Property Steering Group

To make the strategy work we need to build on the existing working relationships within the Council. To achieve this we will establish an Empty Property Steering Group that will include representatives from the Service Units listed below.

Forming an officer group that represents the Council's interests is vital to achieving a common goal and commitment towards making this strategy effective in its aim of reducing the number of empty homes across the borough.

The role of the Steering Group will be to determine the best way to bring properties back into use by considering the options and enforcement tools available and drawing on the assistance and expertise of our partners. It is anticipated the group will meet once a quarter to ensure an effective delivery of the strategy.

The implementation of the Steering Group will ensure a corporate approach to tackling empty homes and will ensure that the issues around empty homes are reflected in future planning proposals through the AAPs and the work being done by the Neighbourhood Management Team on community engagement and by Streetscene on the environmental consequences of empty homes.

We will be able to work more closely with the Police and Fire Service to reduce the risk of arson and the use of empty homes for drug taking and antisocial behaviour.

### Working with Residential Social Landlords

The Council will be working closely with our three Lead Registered Social Landlords (Calico, Accent and Great Places) to look at increasing their housing stock through the acquisition of vacant properties.

This will be implemented through the following initiatives:-

- Bids to the National Affordable Housing Programme to assist in the purchase and rehabilitation of existing empty properties.
- Acquisition by the local authority through compulsory purchase or by agreement, with the subsequent sale to a RSLs for renovation and letting. Great Places are currently acquiring empty properties for this purpose in the Duke Bar area of Burnley.
- The disposal of vacant properties acquired for the purpose of providing accommodation for people displaced by clearance. The Vacants Disposal Policy requires that where properties are acquired and improved but not purchased by a household displaced by the Council's clearance programme, they will be sold on to a Housing Associations or Accredited Landlord, to contribute to the improvement of responsible management in the rented sector.

### Delivering affordable homes

The key strand of the strategy is to increase the effort being made to bring empty homes back into use. To bring empty homes back into use, the strategy must link with other initiatives to tackle key housing issues including affordability.

Empty homes have already been offered to householders affected by the clearance proposals. It allows empty homes acquired to be brought up to the decent homes standard and offered to residents living in homes identified for clearance. To date several properties have been occupied using this initiative, which provides gap funding in the form of a Purchase Assistance Loan to enable the purchaser to bridge the gap between the compensation and payments on their current property and the cost of the new home.

We will look to develop a similar concept as part of the wider role of tackling the need for affordable housing. It will be aimed at bridging the affordability gap and so bringing empty homes into use, specifically targeting first time buyers who are not affected by clearance proposals. It will look to harness social housing or private sector finance in developing affordable homes.

#### Members of the Council

Elected members play a key role in promoting an effective empty homes strategy and making the residents aware of the role the Council plays in returning empty homes into occupation. In future, we will provide members with a list of long term empty properties in their respective wards every six months.

#### Other Local Authorities

This Empty Homes Strategy has been developed in consultation with Pendle Borough Council and we will continue to work together to identify opportunities for future joint working on returning empty homes into use.

### **Priority Four – Developing and implementing policy tools to improve action on empty homes**

This priority is associated with the direct intervention policy tools that we use. Effectively addressing the problem of empty homes will require the adoption of appropriate tools and processes. It is important that decisions regarding empty properties are consistent and support the general direction of the strategy and assist in achieving the key priorities.

#### **What are we currently doing?**

The Council's approach to tackling the issue of empty homes is one of positive intervention. As indicated earlier in the strategy, the Council will seek firstly to work closely with empty property owners encouraging and supporting them. However, where owners have refused offers of help and can give no good reason why the property should remain empty, we will use enforcement action wherever necessary. The following is a summary of the key direct intervention tools that we currently use to bring empty homes back into use as a direct result of Council action.

## Vacant Property Initiative

This scheme is part of the Housing Market Renewal initiative. Properties are acquired and dealt with either through improvement for sale or sold unimproved in accordance with the Council's Vacants Disposal policy.

### Improvement For Sale

Properties, which have been empty for more than six months are acquired, renovated and offered for sale in accordance with the Council's disposal policy for empty dwellings. Wherever possible, they are sold to qualifying residents, whose existing homes are the subject of clearance proposals in HMR areas.

The scheme offers residents in clearance areas the chance to relocate locally. The houses are often similar to those they have been displaced from.

The scheme has the benefit of residents being able to relocate in their own area and contributes to the Council bringing empty homes back into use.

If there are no expressions of interest, properties are either sold on the open market to owner-occupiers or failing this, to a lead Residential Social Landlord, or to an accredited private landlord.

Properties are refurbished by the Council to the Decent Homes Standard and wherever possible, elements of the "Life Time Homes" standard are incorporated into the renovation work.

### Sale For Improvement

Properties acquired by agreement or compulsorily, which require renovation, will be sold as seen on the open market, restricted to owner occupiers, directly to a lead RSL or to an accredited private landlord.

If the property is sold to an accredited private landlord, the agreement will include a building licence.

### Compulsory Purchase Orders (CPOs)

This is the strongest power available to tackle empty homes. The Council may apply to the Secretary of State for an Order to be made to acquire buildings and land through compulsory purchase with the aim of providing additional accommodation. The Council is committed to the use of its compulsory purchase powers as the last resort only. However, in order to use them, there must be strong evidence concerning the circumstances of an unoccupied house, including the length of time it has been empty and the reluctance of the owner to take any steps to bring the property back into use.

The Council will already have contacted the owner several times and will have offered to purchase the property by agreement before taking the decision to

compulsorily acquire it. When using our CPO powers, we will look to minimise the financial risk to the Council. We will then look to renovate the property for sale.

Any proposals around the use of CPO action will firstly be reported to the Council's Executive Committee.

#### Payment into Court

In the case of a CPO, if the owners do not come forward to receive their market value compensation, the Council follows the General Vesting Declaration procedure and makes a payment into court. In this way we ensure that allocated budgets are defrayed. After a period of 12 years, and no owner claiming payment, the money can be requested back from the court and recycled to purchase further empty homes.

#### Additional Enforcement Action

In partnership with other Service Units, we use a range of legislation and legal notices to address hazards and nuisances relating to empty properties. These range from removing refuse or tackling a pest problem to requiring an owner to remedy the property's dangerous or dilapidated state. A table setting out the various legal notices and their purpose is attached as **Appendix 1** to the strategy.

### **Priorities for the future**

A number of our current initiatives such as the Vacant Property Initiative and Compulsory Purchase Orders have been very successful and we would want to continue to use them.

However, we can improve on what we do currently. There is now a wide range of tools made available under the Housing Act 2004 and other legislation. This will give us alternative options in bringing empty homes back into use as well as assisting the Council to recover the often substantial costs involved in maintaining empty properties in a reasonable condition in default of the property owner pending further enforcement action.

#### Empty Dwelling Management Orders (EDMOs)

This is a new power under Part 4 of the Housing Act 2004 and is designed specifically for bringing empty homes back into use. This power became available in April 2006 and enables local authorities to take management control of the empty property, taking away the rights of the owner and letting the property for a period of up to 7 years. At the end of this period, control is returned to the owner together with any excess of income over expenditure.

EDMOs are intended to bridge the gap between voluntary action by an owner and enforcement action by a local authority. They are not intended to replace existing powers, only to complement them.

There are two types of EDMOs, Interim and Final and we will use them to secure occupation and proper management of privately owned houses and flats that have been unoccupied for at least six months.

This power will only be exercised when or if the owner rejects all voluntary options available to return the property to occupation. There would be no direct costs to the owner if an EDMO were used.

We will look to meet certain criteria before starting action to implement an EDMO, which includes:-

- The property must have been vacant for at least 6 months
- The amount of works needed to make the property habitable should be less than £3800. The cost of refurbishment may be prohibitive in some cases. However any surplus once these costs have been recovered would be paid to the owner
- An acceptance that the cost of refurbishment may be prohibitive in the case of a specific EDMO
- There should be a likelihood that the property will remain occupied at the end of 12 months
- There is a need for housing in the area so that we can make use of the property
- There will be a managing agent in place before the commencement of any action

It is essential that we establish appropriate partnerships with RSLs to act as service providers to undertake the management function. The Managing Agent will undertake the following core services for the Council:-

- Essential works to ensure compliance with minimum standards
- Repairs and maintenance
- Letting and tenancy management
- Finance
- Welfare and Benefits advice
- Antisocial behaviour response service and casework management
- Management information

We will develop a financial model to enable EDMOs to be used as a practical tool. Given that the average annual rent in the town is approximately £3800 for a terraced property, it is unlikely that we would apply for an EDMO for a property that would require much more than this amount spending on it to bring it up to standard.

Any proposal to use EDMOs will be reported to the Executive Committee on a case-by-case basis.

## Enforced Sales

Enforced sale can be used for those properties that have charges raised against them following statutory improvement works, where the property remains empty and is causing a significant nuisance to the surrounding area.

The Law of Property Act 1925 and the Local Land Charges Act 1975 give the local authority the right, when a debt has been accrued against a property by the Council, to sell the property to recover its debt. The debt is registered as a charge at HM Land Registry and once it has been registered by the returning of a charge certificate, the Council has the right to sell the property and recover the costs in doing so. Once the property is sold, all debts and costs are recovered and the remaining proceeds of the sale are placed in a separate account, which can be claimed by the owner. If it is not claimed within 12 years, the money reverts to the Council.

A charge may result from enforcement action in relation to dangerous or dilapidated structures, unsecured properties, unsightly land and property affecting the amenity of an area, properties in a poor state of repair, drainage that is blocked or defective, property that is a nuisance or prejudicial to health, property that is attracting vermin. Enforced Sale would also give the Council Tax section the opportunity to recover any outstanding Tax monies from the proceeds of a sale.

Enforced sale has the following advantages for the Council:-

- It is cheaper and usually quicker than CPO. The average cost to enforce the sale of a property is around £2500, taking into account survey fees, auction charges and the Council's administration fees. All costs incurred and the interest accrued, are recoverable from the process of the sale.
- It provides the Council with another option.
- It can be used in areas of low demand, especially where costs of repair are prohibitive.
- The council recovers any debts including officer time.
- It avoids the need to own the property or to manage it.
- It sends out a message of zero tolerance towards empty properties

The main disadvantages are:-

- The process is probably quicker than a CPO but can still take six months to complete.
- If an owner makes payment in full, this must be accepted and the charges withdrawn. The property remains in the same ownership and empty. However, any work done will trigger the enforced sales procedure again.
- If the property is sold, the action cannot guarantee that the new owner will bring the property back into use.

Criteria for selection of properties for enforced sale procedure are:-

- Properties with accrued debts for work carried out in default in excess of £1000
- Properties with less debt but are a cause of distress to the surrounding neighbourhood
- Properties with a debt of less than £1000 but which have been empty for more than 2 years
- Properties which are key to the wider regeneration of an area

There will be implications from implementing the enforced sale procedure.

- Operating procedures will require a more proactive approach to enforcement against the owners of long-term vacant properties in the town. This will include the full use of legal powers and the implementing of works in default where owners do not comply with the notices. In the past such intervention has been limited but a more proactive approach will need to be built into our way of working.
- Initially we will be dependant upon the charges built up by other service units until a more proactive approach is developed.
- A corporate approach is crucial in making Enforced Sale a success. Different Units involved in the Enforced Sales procedure range from those incurring the debt e.g. Streetscene, Building Control, and Council Tax to those recovering the debt e.g. People and Law, Debt Recovery, and the Empty Property Officer ensuring that the property is reoccupied.
- There is an implication from selective licensing. Some landlords with poorer properties in areas covered by selective licensing may decide to sell them and leave them vacant in the meantime.
- There could be staff resources issues involved in an enhanced approach to enforcement

Vacant Property Initiative - Procurement for renovation works

We will investigate the possibility of having a partner contractor for the renovation work of vacant properties improved under the Vacant Property Initiative.

Section 215 Notices (Town and Country Planning Act 1990)

The Section 215 Notice provides the Council with the powers, in certain circumstances, to take steps to require land to be cleaned up when its condition adversely affects the amenity of the area.

It can be used as an integral part of regeneration and the scope of its powers include action on buildings, including empty homes, to carry out external repairs, rebuilding, repainting.

We will investigate the scope and use of Section 215 Notices in respect of empty homes and how this can act as an incentive to property owners to

return their properties into housing use. We will determine criteria as to when and how this legislation is used.

### Raising Awareness

The strategy will only be delivered effectively if residents and stakeholders in Burnley are aware that the Council is keen to identify the location of vacant properties, the ways in which the Council can help an owner to bring an empty property back into use and the enforcement tools the Council can use if this does not happen.

The strategy will be publicized through the local media and the following steps will be taken to build effective relationships with groups representing local communities and residential landlords:

- Produce information and advice leaflet
- Prepare a publicity campaign using press, media promotion
- Produce an information pack to help owners
- Promote the strategy internally through the Empty Homes Steering Group and by engaging members
- Develop an internet web page for empty properties
- Adopt a brokering policy to link owners with builders, developers and accredited landlords and agents

### ***Key points***

***In delivering the strategy the Council has identified four key priorities:***

***Priority One*** – *The identification of empty homes and the prioritising and targeting of action to deal with them.*

***Priority Two*** – *Working with owners to bring empty homes back into use.*

***Priority Three*** – *Working with internal and external partners to reduce the numbers of empty homes.*

***Priority Four*** – *Developing and implementing policy tools to return specified properties to use. This will include new tools of Enforced Sales, Empty Dwelling Management Orders and investigation into the setting up of a pilot scheme to link affordable empty homes to first time buyers.*

## 4. Resourcing the Strategy

The Council has been successful in recent years in increasing the funding for dealing with empty homes in the Borough through the Vacant Property Initiative. The implementation tools in the strategy will be resourced primarily from Capital funds from the Council and from the Housing Market Renewal Fund. Resources are broken down into the following areas:

### Financial

Anticipated funding sources for implementing the current Vacant Property Initiative are:

- Housing Capital Grant
- Housing Market Renewal Fund
- Recycled Receipts
- Registered Social Landlord investment
- Voluntary investment by owners

### Empty Homes Funding Profile 2008/09

Project	Housing Capital Grant	Elevate/Special Grant	Total
Vacants	£72,000	£330,000 plus £955,000 projected capital receipts	£1,357,000

### Staffing

The Council employs a full time Project Officer, who works on empty homes and will lead on the delivery of the Empty homes Strategy. The post is supported by a full time Technical Officer to undertake this work.

Although staffing resources will need to be kept under review, it is not anticipated that any additional staffing resources will be needed to implement the strategy. Any future reduction in staff levels would seriously inhibit the delivery of this strategy.

### Recharges

Recharges for administration support including People and Law and Property Services will need to be kept under review and reported through the annual budget process, especially where increases are anticipated for additional work created by the strategy.

## **Training**

Some additional training may be needed to ensure relevant officers are up to speed with the new tools being developed. Existing training budgets will be able to cope with any training needs.

### ***Key points***

*The implementation tools in the strategy will be funded from:-*

- ***Housing Capital Grant***
- ***Housing Market Renewal Fund***
- ***Recycled Receipts***
- ***Investment from Registered Social Landlords and private owners***

*The budget for the Vacant Property Initiative for 2008/09 is proposed at £1,357,000.*

*The Council has the staff resources in place to implement the budget and sufficient resources for additional training of staff in the implementation of the strategy.*

## 5. Monitoring and Reviewing the Strategy

Progress against the Empty Homes Action Plan will be reported annually through the Scrutiny process. This will form part of a wider update on partnership achievements in improving conditions in the private sector more generally through the Housing Strategy Action Plan update.

The new National Indicators do not retain BVPI 64 ` the total number of private sector residential dwellings returned to use or demolished as a direct result of action taken by the local authority` but this will be retained as a local performance indicator.

For the purposes of this strategy, the indicator concentrates on those vacant properties brought back into occupation using the range of initiatives detailed in the strategy. Our targets are set out below based on funding remaining available through the Housing Market Renewal Fund, Housing Capital Programme and that any capital receipts received as a result of selling the vacant properties will be recycled into the project to ensure an element of recycling.

Indicator	2008/09	2009/10	2010/11	2011/12	2012/13
<b>Number of properties brought back into use</b>	52	55	54	55	55

Local monitoring systems will capture data activity and enable us to assess the success of intervention, including the number of properties returned to occupation through enforcement work and casework.

The strategy and the way in which we approach the problem of empty homes will be reviewed on an annual basis. This will take into account changes in legislation and funding that may occur. Much of the work contained in the strategy can only be accomplished with funding in place. When a review of progress and achievement has been made, if it is not possible to maintain targets, the strategy will be reviewed and adjusted so that the overall strategy can be delivered as far as possible.

### ***Key points***

***The strategy action plan will be incorporated into the Housing Strategy Action Plan and monitored.***

***Progress against the action plan will be monitored annually and reported to Scrutiny Committee. Actions will be monitored through the Housing Strategy Action Plan update.***

***Local indicators are set up for the number of empty homes returned to use.***

***We aim to return 52 properties into use in 2008/09***

## 6. Action Plan 2008 – 2011

The Housing Unit Empty Homes Team will have responsibility for the implementation of the Action Plan except in any cases where reference is made to other Council Service Units or external partners.

Objective	Action	Resource	Performance Measure/Outcome	Target	Service Improvement	Lead Agency/Partner	Lead Officer
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### **Priority One – Identification of Empty Homes**

Identify and record vacant properties in the borough	Maintain and update database of properties and owner.	Staff Time	Establish a full database of borough wide vacant properties	Ongoing	Save Time	Burnley BC	John Killion (Project Officer)
	Use GIS mapping for locating areas for targeting	Staff Time			Prioritise resources according to area needs		
Improve prioritisation of vacant properties	Develop and implement the matrix for prioritisation of empty properties	Staff Time	Matrix completed	Sept. 2008	Improve the way we apply intervention and enforcement action	Burnley BC	John Killion (Project Officer)

Objective	Action	Resource	Performance Measure/Outcome	Target	Service Improvement	Lead Agency/Partner	Lead Officer
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### **Priority Two – Working with property owners to bring empty homes back into use**

Provide encouragement and support to empty property owners	Adopt a brokering service to link owners of empty properties with potential purchasers including builders, developers, accredited landlords and agents.	Staff Time	Facilitating negotiations between empty property owners and other agencies	April 2009	Voluntarily bringing property back into use saving time and resources involved in enforcement work.	Burnley BC	John Killion (Project Officer)
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Objective	Action	Resource	Performance Measure/Outcome	Target	Service Improvement	Lead Agency/Partner	Lead Officer
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**Priority Three – Working with partners to reduce the number of empty homes**

Establish better partnership working both within and outside the Council	Establish an empty property steering Group	Staff Time	Steering group formed	August 2008	Monitor homes brought back into use against our performance targets	Burnley BC	John Killion (Project Officer)
	Implement procedures to encourage RSL's to increase the numbers of empty properties acquired and renovated	Staff Time	Protocol developed	November 2008	Increase in the number of properties in the RSL programme	Burnley BC/Lead RSL's, Calico, Accent, Great Places	Clare Jackson (Ass. Hsg. Renewal Manager)  John Killion (Project Officer)
	Develop initiative to assist first time buyers to acquire empty properties	Staff Time	Establish protocol for future joint working and prioritising resources	November 2008	Facilitating negotiations between RSL's, the local authority and first time buyers	Burnley BC/Lead RSL's	Clare Jackson (Ass. Hsg. Renewal Manager)  John Killion (Project Officer)

Objective	Action	Resource	Performance Measure/Outcome	Target	Service Improvement	Lead Agency/Partner	Lead Officer
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**Priority Four – Developing and implementing policy tools to improve action on empty homes**

Making use of new tools for enforcement action where necessary	Establish procedures for carrying out Empty Dwelling Management Orders in partnership with our RSL partners	Staff Time	Criteria produced and viability of scheme assessed. Numbers of vacant dwelling brought back into use	April 2009	Increased number of empty homes brought back into use	Burnley BC/Lead RSL's	Clare Jackson (Ass. Hsg. Renewal Manager)  John Killion (Project Officer)
	Develop and implement procedures for the use of the Enforced Sale Tool	Staff Time	Criteria produced and procedures for introducing the powers produced	December 2008	Increased number of empty homes brought back into use	Burnley BC Joint working with Housing and Revenues and Benefits	John Killion (Project Officer)
	Establish the potential of having a partner contractor for the renovation work on properties under the Vacant Property Initiative	Staff Time	Develop criteria with recommendations	April 2009	A quicker turnaround of improved properties due to removal of tendering process	Burnley BC	John Killion (Project Officer)
	Develop and implement procedures for the use of Section 215 Notices (Town & Country Planning Act 1990)	Staff Time	Scoping the powers and producing the policy	September 2008	Increased number of empty homes brought back into use	Burnley BC	John Killion (Project Officer)

## 7. Further information on empty homes

A range of advice notes is currently available and these can be accessed electronically as follows:-

Burnley Borough Council website	<a href="http://www.burnley.gov.uk">www.burnley.gov.uk</a>
Lancashire Empty Homes Partnership website	<a href="http://www.lehp.co.uk">www.lehp.co.uk</a>
Empty Homes Agency website	<a href="http://www.emptyhomes.com">www.emptyhomes.com</a>

## Contacting us

To speak to us about an empty property or to obtain further information about how to bring an empty property back into use, you can:-

**Telephone** the Empty Homes Officer on 01282 425011 ext 2491

**Write** to the Housing Renewal Team at the address below

**Fax** us on 01282 477266

Email to [vacants@burnley.gov.uk](mailto:vacants@burnley.gov.uk)

**Housing Unit**  
Red Lion Street  
Burnley  
BB11 2AE

## APPENDIX 1

### Enforcement Action currently used in connection with empty homes

Indication	Legislation	Action Enforced
Presence of category 1 or 2 hazards under the Housing Health and Safety Rating System. Local authorities have a duty to act on category 1 and the power to act on category 2 hazards	Housing Act 2004 Part 1.	Requires the owner to remove category 1 or 2 hazards as identified
Dangerous or dilapidated buildings	Building Act 1984, sections 77 and 78	Requires the owner to make the property safe or to enable the Local Authority to take emergency action to make the property safe
Property unsecured against unauthorised entry or likely to suffer vandalism, arson or similar	Local Government (Miscellaneous Provisions) Act 1982 section 29	Allows the Local Authority to undertake any works necessary to prevent unauthorised entry or to prevent the building from becoming a danger to public health. The Council can undertake work in default or in some circumstances can carry out the works without service of a notice.
Ditto	Environmental Protection Act 1990 section 80  Building Act 1984 section 78	Requires the owner to take steps to secure the property or allows the Local Authority to board it up in an emergency

<p>Vermin either present or if there is a risk of attracting vermin that may detrimentally affect peoples health</p>	<p>Prevention of Damage by Pests Act 1949, Sections 2 – 7</p>	<p>Requires the owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin or gives the Local Authority the power to do so.</p>
<p>Statutory Nuisance (e.g. repair, dampness, refuse)</p>	<p>Environmental Protection Act 1990 Sections 79 – 81</p>	<p>Requires the owner to remove the nuisance or gives the Local Authority the power to do so</p>
<p>Unsightly land and property affecting the amenity of the area</p>	<p>Town and Country Planning Act 1990 Section 215</p> <p>Building Act 1984 Section 79</p>	<p>Requires the owner to take steps to remedy the unsightly land or external appearance of the property within a specified time period</p> <p>Requires the owner to address the property adversely affecting the amenity of the area through its disrepair</p>
<p>Blocked or defective drainage or private sewers</p>	<p>Local Government Miscellaneous Provisions Act 1976 Section 35</p> <p>Building Act 1984 Section 59</p>	<p>Requires the owner to address blocked or defective private sewers or drainage</p>