

Thanet District Council

Housing and Planning

Empty Homes Plan 2020-23

December 2020



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Introduction

Why are empty homes a problem?

1. Empty and derelict properties have an adverse effect on neighbourhoods. They are often unsightly and can attract crime and anti-social behaviour such as squatting, arson, graffiti and fly-tipping. They may also affect the value of neighbouring properties by creating an impression of neglect and decline within a community. Communities are less likely to flourish and prosper in areas where multiple empty properties are in close proximity.
2. Such properties are not only eyesores and a source of neighbourhood distress, they are a wasted resource in a time of ever growing housing demand. Many people cannot access good housing, yet many homes stand vacant.
3. Properties can remain empty for a number of reasons, including inheritance complications, high repair costs combined with low values, limited or negative equity, adverse lending policies, and owners going into residential care. A lack of awareness of available options and sentimentality are also common reasons.
4. There are many genuine reasons why a property can remain unoccupied for a short period of time; however, homes that have been empty for more than six months are of concern, and these are known as long term empty homes.
5. With a high number of long term empty homes in Thanet, the council is committed to taking action whenever possible to bring them back into use. Council intervention helps increase overall housing supply and reduces the negative environmental and economic effects that empty properties have on neighbourhoods.

Empty Property Team

6. Two full time officers, an Empty Property Officer and an Empty Property Support Officer, make up the council's Empty Property Team. The team is responsible for leading and coordinating the council's efforts to bring long term empty homes back into use using a range of informal and enforcement interventions.
7. A multi-disciplinary meeting is chaired by the Empty Property Team every quarter. The other council teams regularly represented at the meeting include the Planning Department, Building Control, Street Scene Enforcement, and Council Tax. The aim of the meeting is to ensure that council intervention is joined up and effective.

Background information

8. The reasons for fluctuations in the number of empty homes in any district are complex and are linked to housing demand in the locality and wider national influences, such as the state of the general economy and availability of finance. However, the number of long term homes in England has fallen over the last decade.
9. Areas with higher levels of long term empty homes tend to be characterised by lower household incomes, lower house prices, deprivation and a higher prevalence of pre-1919 terraces. Thanet is therefore more likely to suffer with higher levels of long term empty homes when compared to the more affluent districts in Kent.
10. Based on Council Tax records as at October each year, the Government publishes empty property data on GOV.UK. Table 615 highlights the number of long term empty homes in each district and unitary authority since 2004. Table 1 below is an extract that puts Thanet in context with the rest of Kent.

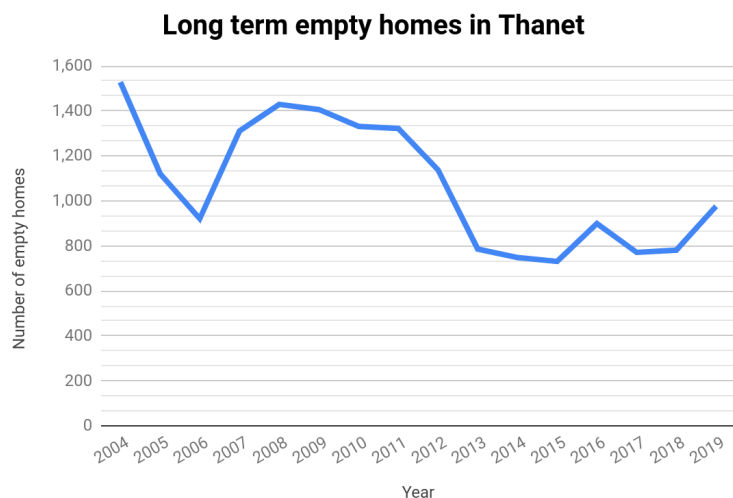
Table 1: Long term empty homes in Kent since 2004

	2004	2005	2006	2007	2008	2009	2010	2011
Ashford	416	559	498	567	617	533	484	504
Canterbury	577	735	678	635	722	642	679	640
Dartford	386	306	339	296	389	353	294	336
Dover	733	750	743	748	808	952	908	878
Folkestone & Hythe	635	675	678	721	806	740	771	767
Gravesham	603	603	671	443	258	311	318	282
Maidstone	515	480	515	544	602	525	533	530
Medway	1,649	1,361	1,359	1,607	1,606	1,332	1,478	1,455
Sevenoaks	382	474	386	418	460	465	455	483
Swale	805	889	688	671	742	712	639	619
Thanet	1,528	1,121	921	1,311	1,429	1,406	1,331	1,322
Tonbridge & Malling	255	325	309	269	317	308	252	247
Tunbridge Wells	337	432	488	489	489	531	430	449
	2012	2013	2014	2015	2016	2017	2018	2019
Ashford	449	307	250	247	240	283	322	426
Canterbury	733	489	403	396	599	443	511	581
Dartford	250	179	169	176	188	220	253	274
Dover	725	510	436	478	624	523	471	460
Folkestone & Hythe	766	766	608	641	547	470	468	489
Gravesham	212	175	145	193	204	255	250	204
Maidstone	422	414	323	273	306	342	485	433
Medway	1,417	938	1,004	879	817	986	1,144	1,398
Sevenoaks	444	362	330	291	379	315	367	431
Swale	617	491	405	439	291	348	356	388
Thanet	1,138	786	748	731	899	771	781	976
Tonbridge & Malling	246	272	307	355	346	360	359	331
Tunbridge Wells	426	396	334	276	376	448	405	377

Source: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

- Despite a spike in 2019, Figure 1 below shows that the long term trend in the number of long term empty homes in Thanet is downward. The global financial crisis of 2007-08 appears to have had an impact.

Figure 1: Long term empty homes in Thanet since 2004



12. The council has been proactive in attempting to reduce the number of long term empty homes in Thanet since 2004, when it first appointed an Empty Property Officer. Since 2005, the council has been working in close partnership with Kent County Council's No Use Empty initiative to help bring more empty homes back into use.
13. Table 2 below shows how many empty homes Kent local authorities have helped bring back into use since 2005-06. The council was the highest performing Kent authority in 12 of the past 15 years and as of 31 March 2020 had helped bring 1,685 homes back into use.

Table 2: Empty homes brought back into use in Kent by means of council intervention

	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13
Ashford	0	0	0	0	0	5	7	0
Canterbury	0	0	0	14	0	0	0	0
Dartford	0	0	0	57	113	98	123	104
Dover	16	39	17	27	33	36	33	44
Folkestone & Hythe	52	34	50	26	47	32	34	45
Gravesham	0	0	0	75	56	31	50	54
Maidstone	0	0	0	18	24	29	12	106
Sevenoaks	0	0	0	4	20	20	17	15
Swale	12	14	12	3	33	37	33	63
Thanet	68	83	90	92	90	108	117	113
Tonbridge & Malling	0	0	0	5	9	5	9	12
Tunbridge Wells	0	0	0	20	13	10	14	27
TOTAL	148	170	169	341	438	411	449	583
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	TOTAL
Ashford	0	1	2	2	11	1	6	35
Canterbury	4	0	11	0	40	6	10	85
Dartford	104	96	100	97	56	96	86	1,130
Dover	41	32	48	40	30	24	34	494
Folkestone & Hythe	36	29	55	81	84	70	48	723
Gravesham	58	45	34	30	19	13	10	475
Maidstone	99	132	59	39	21	15	53	607
Sevenoaks	27	12	7	16	17	8	17	180
Swale	84	86	71	79	2	45	116	690
Thanet	120	119	122	169* (126)	138	140	159	1,728 (1,685)
Tonbridge & Malling	18	18	7	14	12	0	0	109
Tunbridge Wells	20	17	22	14	9	28	12	206
TOTAL	611	587	538	581	439	446	551	6,462

*Includes 43 claimed directly by KCC following redevelopment of a school. TDC performance: 126.

Source: Kent County Council (No Use Empty Initiative).

How we bring empty homes back into use

Empty property referrals

14. The council receives referrals (including complaints) about empty homes from various sources, such as local residents, other council departments, external agencies, councillors and MPs. The Empty Property Team also generates referrals when they become aware of a long term empty home through other means. Every referral is recorded by the council.
15. Upon receipt of an empty property referral, an officer will make preliminary enquiries. Existing council records will be reviewed and an initial visit will usually take place within 28 days. A visit may not be necessary if a previous complaint is already being investigated. If, following inspection, a property is confirmed to be vacant, it is entered onto the council's proprietary empty property database.
16. The council will normally attempt to engage with the owner of an empty property on an informal basis. Usually, this will involve sending a letter with an offer of help and advice. If a response is made, the council will attempt to help in whatever way it can. If no response is made, a further attempt to contact the owner will be made. Again, this will usually be by way of an informal letter.
17. In some cases, the owner may not be easily located and the Empty Property Team will use a range of investigative tools to identify legal ownership and responsibility.
18. The council achieves most success on an informal basis. Encouragement, help and advice is often all that is needed to ensure an owner takes action. A gentle reminder as to the council's available enforcement options may also prompt a response from those who are more reluctant to engage.
19. Where an owner undertakes to either sell or renovate the property, the council will continue to visit and monitor the situation to make sure the promised actions are taken in a timely manner.
20. While the council will always endeavour to bring an empty property back into use by informal means, this is not always possible. Enforcement action may be an available option. However, this is not always possible, as it is not unlawful to own an empty property.

Interest free loans (Developers and private landlords)

21. Kent County Council (KCC) launched its No Use Empty initiative in 2005 in collaboration with Kent's district councils. The primary aim of the initiative is to improve the physical urban environment in Kent by bringing empty properties back into use as good quality homes and to raise awareness of the problems empty properties can cause to local communities. The initiative provides guidance and financial support to all of Kent's district councils.
22. The initiative operates with a £5m recyclable fund to deliver interest free loans of up to £25,000 per unit of accommodation. The loans are aimed at the owners of long term empty homes who need financial assistance to help them carry out the works required to bring their properties back into use. The maximum loan amount per applicant is £175,000.
23. Applicants may apply for a loan to let, which must be repaid within three years. Alternatively, loans to sell are available, which must be repaid within two years or upon the sale of renovated property, whichever comes first. Loans are usually provided as a 100% upfront payment, but larger loans may be awarded on a phased basis.

Interest free loans (Owner-occupiers)

24. Working collaboratively with KCC's No Use initiative, the council was the first in Kent to offer interest free loans to potential owner-occupiers. Secured loans of up to £20,000 are available to applicants who propose to move into a long term empty property they own, once it has been renovated. Applicants must agree to live in the renovated property for at least five years.
25. The owner-occupier loan initiative forms part of the Live Margate programme, which aims to promote housing regeneration in the two wards of Cliftonville West and Margate Central. As such, the owner-occupier loans are limited to properties within these two wards.
26. Smaller loans are made as a 100% upfront payment; whereas larger loans will be made in two staged payments. Loans must be repaid within a maximum time period of 10 years. An initial budget of £150,000 has been set aside to fund this initiative, which is intended to be recyclable.

Reduced auction fees

27. Sometimes, the council may advise an owner that their best option is to sell their property by auction. The council has an agreement with a reputable auction house, which will reduce the auction fees payable in respect of a long term empty home, when the referral has been made by the council's Empty Property Team.

Prioritising enforcement action

28. As empty property enforcement action is onerous and time-consuming, the council uses a priority rating system to direct its limited resources in a transparent way.
29. At the time an empty property is initially visited, the officer will make a priority assessment based on a number of factors. These include:
 - Crime and anti-social behaviour (historic and future risk; including arson, trespass, squatting, fly-tipping and graffiti);
 - Appearance (the degree to which the premises are unsightly and detrimental to the area, including matters such as decorative repair, rubbish accumulations and overgrown vegetation);
 - Prominence (property size and location; for example, whether the property is in a high profile location seen by many, or down a side street only ever seen by very few if any people);
 - General condition (physical condition of the premises, both internal and external; for example, whether the building is in an uninhabitable condition);
 - Physical effect (whether the condition of the property is causing damage to other residential buildings; for example, whether the roof is leaking to such an extent that water penetration has begun to affect neighbouring homes);
 - Time vacant (the length of time the property has been empty).
30. For each category, the property will be assessed as having a Minimal, Low, Medium or High rating. Based on the assessment, points are awarded for each category. The scores given for each assessment are set out in the following table:

Table 3: Empty homes priority matrix

	Minimal	Low	Medium	High
Crime and anti-social behaviour	0	5	10	15
Appearance	0	10	15	25
Prominence	0	5	10	15
General condition	0	5	10	15
Physical effect	0	10	20	30
Time vacant	0	5	10	15

31. The points awarded are totalled and each property is given an overall score, with the maximum score being 115. The overall score is then placed into one of four bandings, namely:
- A = 90 and over (HIGH);
 - B = 75-89 (MEDIUM);
 - C = 40-74 (LOW);
 - D = 39 and below (MINIMAL).
32. Any empty residential property given an A rating (High) will usually be recommended for enforcement action should informal intervention be unsuccessful. Properties given a B rating (Medium) are also likely to be recommended for such action. While C (Low) and D (Minimal) rated properties are less of a priority, the council will endeavour to take enforcement action when it is in the public interest to do so and available resources permit such intervention to take place.
33. Irrespective of the rating given, the council will always attempt to assist and advise any empty property owner should they ask for help.

Legislation supporting enforcement action

34. A range of statutory powers can be used to help bring empty homes back into use. However, the legislative tools that are reasonably available are very much dependent on the individual circumstances of each case. The main statutory provisions available to the council are outlined below.

Housing Act 2004

35. Part 1 of the Housing Act 2004 is concerned with housing conditions in the private sector. It introduced the concept of Category 1 and Category 2 hazards, and regulations made thereunder prescribed the Housing Health and Safety Rating System (HHSRS) as the method for assessing the severity of hazards in the home environment. The enforcement options available for dealing with Category 1 and Category 2 hazards are:
- Improvement Notice;
 - Prohibition Order;
 - Hazard Awareness Notice;
 - Emergency Remedial Action (Category 1 hazards only);
 - Emergency Prohibition Order (Category 1 hazards only);
 - Demolition Order (Category 1 hazards only);
 - Clearance Area (Category 1 hazards only).
36. The HHSRS can be used to assess conditions in empty homes. While there are no occupiers in an empty home, and thus less risk to health and safety, there are

circumstances in which it may be appropriate to use the enforcement options mentioned above.

37. Chapter 2 of Part 4 of the Housing Act 2004 is concerned with Interim and Final Empty Dwelling Management Orders (EDMOs). In respect of a dwelling that has been empty for at least two years, the council has the power to apply to a First-tier Tribunal for an Interim EDMO, which would allow it to take over the management of the property with a view to ensuring it is reoccupied. An Interim EDMO has effect for up to 12 months and while the council would not have a legal interest in the property, it would be able to carry out renovations and collect rent from new tenants to offset the costs. However, the owner must agree to any new tenancy.
38. Interim EDMOs are considered a statutory power of last resort. As such, before a First-tier Tribunal can approve an Interim EDMO, the council must be able to demonstrate that it has tried to work with the owner on an informal basis to get the property reoccupied, and that it has given at least three-months' notice of its intention to apply for an Interim EDMO. The council must also prove that the empty property is causing a nuisance for the community, and that there is evidence to suggest that the community supports the making of an Interim EDMO. There are also prescribed exemptions set out in secondary legislation.
39. A council can make a Final EDMO to replace an Interim EDMO, if it is of the opinion that unless it does so the property will become or remain unoccupied. A Final EDMO can take effect for up to seven years and the owner's permission is not required to grant any new tenancies.
40. While all reasonable expenses incurred by a council in making an EDMO are recoverable through rents, all surpluses must be paid to the owner. If the rental income does not cover its expenses, the council would be liable for any deficit.

Housing Act 1985

41. Section 17 of the Housing Act 1985 concerns the compulsory acquisition of land or property for housing purposes. This power may be used to acquire under-used or ineffectively used land or property by means of a Compulsory Purchase Order (CPO). Before taking such action, the council must show that there is a general housing need in the area and that a quantitative or qualitative housing gain will be made by making the order. CPOs must be approved by the Secretary of State.

Town and Country Planning Act 1990

42. Section 215 of the Town and Country Planning Act 1990 provides the council with the power to deal with land which adversely affects the amenity of an area. "Land" includes buildings. A notice may be served under this section requiring the owner or occupier of the land to take steps as is necessary to remedy the condition of the land. Such notices set out the steps that need to be taken, and the time within which they must be carried out. The council also has the power to undertake the works themselves and to recover the costs from the landowner.
43. Section 226 concerns the compulsory acquisition of land or property to allow development, redevelopment or improvement to take place. If compulsory acquisition will contribute to the promotion or improvement of economic and/or social and/or environmental wellbeing, the council may, in the public interest, make a CPO. CPOs must be approved by the Secretary of State.

Planning (Listed Buildings and Conservation Areas) Act 1990

44. Section 47 provides for the compulsory purchase of listed buildings in disrepair. CPOs under this section are made to ensure that listed buildings (buildings deemed to be of

special architectural and historical interest) are properly preserved. CPOs must be approved by the Secretary of State. However, before the council can compulsorily purchase a listed building in disrepair it must first give the owner an opportunity to carry out the required works by serving a repairs notice. If an owner demolishes a listed building following receipt of a repairs notice, the site may still be compulsorily purchased by the council.

Building Act 1984

45. Under section 77 of the Building Act 1984, the council can apply to the Magistrates' Court for an order requiring the owner of a dangerous building to either make the building safe or (if the owner chooses) demolish it. If the owner fails to comply with the order, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. In emergency situations, the council can (without obtaining a court order) take immediate steps to make safe a dangerous building under section 78. In such circumstances, the council must, if possible, attempt to give prior notice to the owner and occupier. Again, any expenses reasonably incurred can be recovered from the owner.
46. Section 79 of the Building Act 1984 concerns ruinous and dilapidated buildings and neglected sites. If a building is, by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood, the council may serve a notice requiring the owner to carry out remedial works or (if the owner chooses) demolish the building. If the owner fails to comply with the notice, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. This section also makes provision for dealing with any debris resulting from the collapse or demolition of a building, which by its nature is seriously detrimental to the amenities of the neighbourhood. If this condition is met, the council may serve a notice on the owner requiring the clearance of the site. As above, if the owner fails to comply with the notice, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner.

Environmental Protection Act 1990

47. Matters which may amount to a statutory nuisance are set out in section 79(1) of the Environmental Protection Act 1990. Statutory nuisances must be either "prejudicial to health or a nuisance". Prejudicial to health is defined as meaning "injurious, or likely to cause injury, to health". Nuisance is not defined by statute. If the council is satisfied that a statutory nuisance exists or is likely to occur or recur, it must serve an Abatement Notice.

Law of Property Act 1925

48. In cases where the council is owed monies, as a result of the council undertaking works-in-default under relevant legislation, section 103 of the Law of Property Act 1925 may be used as a means by which to recover the debt. Under this legislation, the debt may, under certain circumstances, be registered as a first charge with HM Land Registry. Such a charge would normally take precedence over any mortgage. The council may then, should the owner fail to pay the debt within a specified timescale, enforce the sale of the property to recover the monies owed.

Anti-social Behaviour, Crime and Policing Act 2014

49. The conduct of an owner of an empty property can be deemed to be unreasonable and detrimental to the quality of life of people living in the locality. As such, in certain circumstances, the council can serve a Community Protection Notice requiring the owner to take such action as is deemed appropriate to deal with the problems caused by the empty property.

The significant enforcement interventions

50. Ultimately, there is no statutory notice that can demand an owner to bring an empty home back into use. Using the above-mentioned legislation, the most significant forms of intervention are:

- CPO: The compulsory purchase of the land or building concerned to help ensure it is brought back into use;
- Works-in-default: If an owner fails to comply with a statutory notice requiring remedial works, the council can carry out the works-in-default and place a charge on the property to secure the repair costs as a debt;
- Enforced sale: As a means of recovering a debt owed to the council (such as a debt resulting from works-in-default) the council can enforce the sale of the property. This will promote a change of ownership and is likely to lead to the property being brought back into use;
- EDMO: When the council steps in and takes over the property to secure essential repairs and reoccupation.

Council Tax

Council Tax records

51. Council Tax records are an important source of information. The Empty Property Team receives a report every three months from the Council Tax Team which highlights the properties that have been empty for a period of six months or more.

52. The Council Tax classes of most concern are:

- Class C Discount: Unoccupied and unfurnished (100% charge);
- Empty Premium Class L: Unoccupied and unfurnished for two years or more but less than five years (100% additional premium);
- Empty Premium Class L5: Unoccupied and unfurnished for five years or more (200% additional premium);
- Class D Discount: Unoccupied and requires or is undergoing structural alterations/major repair (0% charge for a maximum period of 12 months).

53. Homes that have been unoccupied and unfurnished for less than two years fall under the category of a Class C discount. The term “Class C Discount” remains in use because Council Tax regulations continue to allow councils to grant a discount for Class C properties if they so wish. However, the council has opted to charge at the full 100% charging rate, so there is no actual discount for such properties in Thanet.

54. As of 04 August 2020, there were 1,895 empty homes in Thanet under the above-mentioned classes. Of these, 1,273 had been empty for more than six months:

	<u>Empty more than 6 months</u>	<u>Total in class</u>
● Class C Discount:	861	1,398
● Empty Premium Class L:	177	177
● Empty Premium Class L5:	86	86
● Class D Discount:	149	234

55. A list of exemption, discount and premium classes used for Council Tax purposes has been included in the annex to this plan.

56. It is worth noting that the Government only reports the number of unoccupied and unfurnished properties (the total number of Cs, Ls and L5s) when it publishes Table 615 on GOV.UK each year.

Council Tax debts

57. There are some owners of empty properties that do not keep up with their Council Tax payments. As of May 2020, there were 116 long term empty homes with an outstanding debt of more than £4,000.

Properties removed from the Valuation List

58. Not all empty properties are subject to Council Tax. An owner can apply to the Valuation Office Agency (“VOA”) to have a property removed from the Council Tax Valuation List if it is uninhabitable. The property must be derelict and have deteriorated to such an extent that it cannot be repaired without very significant reconstruction. Properties are rarely removed from the Valuation List for this reason.

59. Once a property is removed from the Valuation List, Council Tax records are updated, but no long term record of the addresses removed from the Valuation List is maintained.

However, the VOA has started providing the Empty Property Team with details of the added and removed addresses. As of May 2020, the council were aware of 119 addresses that had been removed from the Valuation List and may be of interest. Of these, 114 had been removed for a period of six months or more. While some may be long term empty properties in an uninhabitable condition, others may have been removed for another reason; for example, a property will be removed from the Valuation List if it changes use to a holiday home, when it will become subject to business rates instead.

60. The Empty Property Team takes action in respect of all empty properties, irrespective of whether they are on the Valuation List or not.

Current position and opportunities

Interest free loans (Developers and private landlords)

61. The KCC funded loans to sell and loans to rent are well used in Thanet. The funding allocation is usually exhausted each year and Thanet has historically benefitted more than any other local authority in Kent. As of August 2020, some £10.15m, which is around 29% of all funds made available in Kent so far, has been used to fund loans in Thanet. These loans have generated a further injection of £11.99m in public and private leverage, thereby ensuring that £22.14m has been spent on bringing empty homes back into use since the scheme started.
62. Apart from continuing to promote these loans locally, there appears to be limited scope to enhance the use of this funding stream. However, some other Kent local authorities provide top-up loans when the KCC element does not provide sufficient capital to fund difficult projects. This is an option, but it would require additional resources from the council or from grant funding opportunities. At present, additional funding is not available.

Interest free loans (Owner-occupiers)

63. The council introduced its interest-free owner-occupier loan offer for properties in Cliftonville West and Margate Central in 2017. The original £150,000 budget has been substantially committed and a list of prospective applicants is being maintained. As funds are returned through loan repayments, the council will be able to offer more loans. However, while the fund is recyclable, the turnaround is slow owing to the ten-year payback period.
64. Ideally, the loan scheme would be available for use in other wards or district-wide. However, as this initiative is funded by the council and not KCC, it would require additional resources from the council or from grant funding opportunities. Such additional funding is not currently available.

Increase performance target

65. The first step towards improving performance took place in May 2017 with the appointment of a new Empty Property Officer. The post had not been occupied since 2012. The key aim of this post is to lead on the enforcement of the most difficult and challenging properties; the empty properties that are often of most concern to the public. Owing to the complex and time-consuming nature of such work, the appointment will not dramatically increase performance, but will bring about significant improvements for affected communities.
66. The Empty Property Team's performance target for 2018/19 was to help bring 137 empty homes back into use. The team achieved this target with 140 homes. To maximise performance, the target was increased to 150 for 2019/20. The team exceeded the target by helping to bring 159 empty homes back into use.
67. However, as more interventions are now taking place, there is further scope to increase the performance targets. The proposed performance targets for the next three years are:
 - 2020-21: 160
 - 2021-22: 170
 - 2022-23: 180

Improve the priority rating system for empty homes

68. While the current priority rating system did work well in the past, the number of empty homes with a priority rating of A or B has fallen over the past few years to very few. This has largely been associated with the Empty Property Officer appointment in 2017 and the subsequent direction to target As and Bs in the first instance. With so few As and Bs at present, the Empty Property Team have been focussing their efforts on empty homes with a priority rating of C, which represents a large pool of cases for potential intervention. It is therefore proposed that the priority rating system is reviewed and revised to ensure that the number of empty homes rated as an A or B is increased to better direct the limited resources available to the Empty Property Team.

Enlarge empty property database

69. There is insufficient capacity within the Empty Property Team to tackle every long term empty home on the Valuation List. Prior to the appointment of the new Empty Property Officer, the team was monitoring and attempting to deal with around 500 empty properties, some of which were not on the Valuation List. The council is now endeavouring to add more long term empty homes onto its empty property database. While there are too many to achieve full alignment with the Valuation List, those that are not known to the Empty Property Team and have been empty for more than two years will be targeted for investigation and inclusion on the empty property database.
70. It is therefore proposed that all empty homes that have been empty for more than two years will be inspected and prioritised for intervention by the end of 2020, if not already subject to investigation by the Empty Property Team. After the database is so populated, the intention is to keep it aligned with the quarterly Council Tax report on long term empty homes as much as possible.
71. Properties removed from the Valuation List which still exist are likely to be in very poor condition, and as no Council Tax is payable in respect of such properties, there is also a loss of income that could be used for essential public services, such as social care, Kent Police and Kent Fire & Rescue. Therefore, properties removed from the Valuation List by the VOA will be inspected and prioritised as soon as possible once they have been removed for a period of six months.
72. It is worth noting that there is not normally a difference in Council Tax charge between an occupied home and an unoccupied property that has been empty for less than two years. As such, some new residents are slow to notify the Council Tax Team of reoccupation. The Empty Property Team notifies the Council Tax Team of any changes in occupation it identifies during its inspections to help keep Council Tax records up to date.
73. As of August 2019, the empty property database included 838 entries. By August 2020, the figure had increased to 1,249. Some entries relate to buildings containing more than one dwelling.

Council Tax premiums

74. Since 01 April 2013, councils have been able to charge an additional Council Tax premium for homes that have been empty and unfurnished for two years or more. The council adopted the maximum permitted additional premium of 50% in 2015.
75. The Government amended the relevant legislation in 2018 to further increase the maximum permitted additional premiums for empty homes. The council has adopted or proposes to adopt the new additional premiums and they are being charged or are proposed to be

charged as soon as they become available. The current and future charges are shown below:

- From 01 April 2019: 100% additional premium for homes that have been empty for two years or more;
- From 01 April 2020: 100% additional premium for homes that have been empty for two years or more but less than five years; 200% additional premium for homes that have been empty for five years or more;
- From 01 April 2021: 100% additional premium for homes that have been empty for two years or more but less than five years; 200% additional premium for homes that have been empty for five years or more but less than ten years; 300% additional premium for homes that have been empty for ten years or more.

76. As the council decided to charge the maximum additional premiums as soon as they became available, there is no further scope for increasing the Council Tax charges for empty homes.

77. While these additional premiums will not have an impact in every situation, it will certainly be a significant deterrent for owners who have no good reason to keep a property empty. For example, from 01 April 2021, a property that has been empty for over 10 years will be subject to a charge four times the normal rate (assuming the 300% additional premium is adopted as proposed). If the normal Council Tax charge is, for example £1,883.45 (current charge for a Band D property in Margate), the new charge will be £7,533.80.

Council Tax debts

78. The long term empty homes that are subject to a Council Tax debt of more than £4,000 are a concern for the council. Monies owed and needed for essential public services are not being collected and the empty homes represent a loss to the local housing stock.

79. However, the circumstances leading to a home becoming empty and subject to Council Tax debt are often complex and challenging. Nevertheless, such properties will be targeted for intervention by the Empty Property Team.

80. The Empty Property Team will attempt to assist the Council Tax Team in respect of some of the most difficult cases. Formal intervention can eventually lead to a charging order being placed on the empty property, which could then lead to an order of sale from a court. While enforcing the sale of such a property is a significant step to take, in some cases it may be an appropriate course of action to take in the circumstances. Such action would lead to the recovery of the debt owed to the council and should ultimately lead to its reoccupation.

Grant and other funding

81. The Government's national housing body, Homes England, has historically funded programmes to bring empty homes back into use, and the council has previously completed the acquisition of 29 homes as part of this in 2015/16. These programmes are generally for the purchase and repair or lease and repair of properties in the private sector. This can support empty homes being brought back into use for affordable housing purposes. As such, the council will explore further opportunities to access additional Homes England funding.

82. Currently, the council is using unspent Right to Buy 141 monies to acquire properties. The objective of the funding is to replace properties which have been lost through Right to Buy purchases. The use of retained Right to Buy receipts is restricted to up to 30% of the cost

of a replacement property or scheme cost, with the balance currently coming from the council's Housing Revenue Account.

83. The council has also attracted funding from the South East LEP to support its Live Margate Housing Intervention Programme. There is also potential for contributions gained through the planning process to be used for purchase and repair for use as affordable rented homes. These programmes could be used for both private sector dwellings and ex-right-to-buy leasehold properties.
84. Other than the grant funding opportunities mentioned above, the council will continue to make bids to any relevant fund that arises in the future, whether at Government or County level, which is aimed at bringing empty homes back into use.

Empty Dwelling Management Orders

85. An EDMO can only be obtained by application to a First-tier Tribunal and it will want to be fully persuaded that it is fair and reasonable. A good proportion of EDMO applications are rejected by the tribunal. In general, councils have found them notoriously difficult to obtain.
86. Once obtained there is much procedural work to do and most likely the organisation of major repairs, the upfront costs of which must initially be met by the council. Managing the property thereafter will also consume a significant amount of time and resources. In reality, few EDMOs are sought by councils in England.
87. At present, there are approximately 263 empty homes in Thanet that might be considered for an EDMO. A good percentage of these are likely to be subject to a statutory exemption.
88. If the council were to only focus on pursuing EDMOs, the number of homes brought back into use would fall dramatically. Nonetheless, the council is attempting to step up action and are actively considering properties which may be suitable for an EDMO. However, great care must be taken, as any deficit at the end of an EDMO must be borne by the council and not the owner. Therefore, EDMOs are not without financial risk to the council, and as the owner must receive all surpluses should there be any, there is no scope for financial gain.
89. While successfully obtaining some EDMOs will not greatly increase the number of homes brought back into use, it would serve as a deterrent to owners and therefore be in the wider public interest.

Compulsory Purchase Orders

90. CPOs are an action of last resort and must be approved by the Secretary of State. The council must show that it has exhausted all other alternatives before it can realistically make an application.
91. Occasionally there are empty homes that are unlikely to be brought back into use without the council taking the bold step of making a CPO. The council has been successful in making a number of CPOs in the last decade and experience has shown that there is an approximate cost of £10,000 for each intervention.
92. It is vitally important that an exit strategy is prepared before a CPO is pursued. Failing to do so could lead to the property remaining empty, thereby rendering the whole process of little value. An option is to sell the property quickly to a developer who agrees to be subject to conditions requiring the property to be renovated within a prescribed timescale.
93. Compensation is payable to the owners of any property subject to a CPO. However, applications for compensation must be made within six years of the order being made, after which time the council is not required to make a compensation payment.

94. The council will continue to consider making applications for CPOs when the circumstances render it the only viable option. However, the number of applications is not going to be high.

Enforced sales

95. The enforced sale procedure is a good option for dealing with council debt secured against an empty property.
96. For example, if an empty property falls into disrepair and becomes a danger to the public, the council can serve various types of statutory notice on the owner to make it safe. If the owner fails to take action, the council may decide to carry out the remedial works itself to safeguard the public. If after three months' notice the costs incurred are not repaid, the council may sell the property without being in possession. The council must obtain best value, and not allow the property to be sold under market value.
97. The enforced sale procedure is not intended to be used to tackle empty properties specifically; it is intended to secure monies owed. However, a change of ownership usually brings the empty property back into use. Compensation claims from owners, who are entitled to the proceeds of the sale, less the monies owed to debtors, are not limited by time. As such, the monies must be kept by the council in perpetuity.
98. Compared to both EDMOs and CPOs, the enforced sale procedure is more straightforward and generally presents less risk to the council. In 2017, a property that had been empty for around 30 years was subject to an enforced sale by the council. It was sold at auction and redeveloped into seven good quality self-contained flats.
99. The council will continue to use the enforced sale procedure wherever it is appropriate to do so.

Action Plan

100. The number of long term empty homes in Thanet has reduced since 2004. However, the number remains too high. In some cases, the council has no power to take enforcement action and must rely on informal offers of help and financial assistance. Nevertheless, the council is in a good position to continue taking a robust approach to bringing empty homes back into use.
101. The following Action Plan sets out the council's general approach to reducing the number of long term empty homes in Thanet over the next three years.

Table 4: Thanet Empty Homes Action Plan 2020-23

No.	Action	Timescale
1	Continue to actively promote the use of interest free loans in partnership with KCC's No Use Empty Initiative.	As long as funding is available.
2	Explore external funding opportunities that could enhance the current No Use Empty interest free loan offers, as and when they become available.	2020-23
3	Increase the Empty Property Team's annual performance targets for the number of long term empty homes brought back into use.	2020/21 - 160 2021/22 - 170 2022/23 - 180
4	Increase the number of empty homes being investigated using Council Tax information. Targeted properties will be those that are not known to the Empty Property Team and have not been subject to any complaint, but have been empty for more than two years.	31 December 2020
5	Review the priority rating system currently in use for prioritising empty homes interventions and implement a revised system capable of providing for a reasonable distribution among the four priority ratings of A, B, C and D.	31 December 2020
6	As part of the priority rating review, introduce an additional priority score for empty homes that have been removed from the Council Tax Valuation List and have been so removed for a period of six months or more.	31 December 2020
7	As part of the priority rating review, introduce an additional priority score for empty homes that are subject to a Council Tax debt of £4,000 or more.	31 December 2020
8	Charge an additional 300% Council Tax premium for homes that have been empty and unfurnished for more than ten years.	01 April 2021
9	Explore opportunities for further funding to bring long term empty properties back into use as affordable housing, ensuring that appropriate bids are submitted as opportunities arise.	2020-23
10	Make bids to any relevant fund that arises in the future, whether at Government or County level, which is aimed at bringing long empty homes back into use.	2020-23
11	Consider making applications for EDMOs when in the public interest to do so, having due regard to the financial risk to the	2020-23

	council.	
12	Consider making applications for CPOs when in the public interest to do so, having due regard to the financial risk to the council.	2020-23
13	When in the public interest, actively pursue the enforced sale procedure when council debt is secured against long term empty homes.	2020-23

102. This three-year plan will be reviewed from time to time to ensure it keeps up to date with relevant legislation and takes into account any significant changes in circumstances.

Help and advice

103. If you would like further help or advice, the Private Sector Housing Team can help. Please ring us on 01843 577437 or contact us by email on empty.homes@thanet.gov.uk.

104. Alternatively, you can write to us at:

Empty Homes
Private Sector Housing
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Making a complaint

105. The Private Sector Housing Team aims to provide the best possible service. However, if you are not happy with the service you receive you can make a formal complaint.

106. More information about how to make a formal complaint can be found on the council's website at: www.thanet.gov.uk. Alternatively, you can call, email or write to us:

Telephone: 01843 577000 | Email: customer.feedback@thanet.gov.uk

Address: Customer Feedback, Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ.

107. If, after having gone through the council's formal complaints process, you believe that the council has not handled your complaint properly, you have the right to request an independent investigation by the Local Government and Social Care Ombudsman. The Ombudsman Service will review your complaint and decide if it is appropriate to carry out an investigation. The service is free of charge.

108. You can make a complaint by phone or online at:

The Local Government and Social Care Ombudsman

Telephone: 0300 061 0614 | Website: www.lgo.org.uk.

Document history

Version	Date	Reviewed/Agreed by	Minute reference
Draft v1	27 August 2020	Overview and Scrutiny Panel	252
Version 1	Xx December 2020	Bob Porter, Director of Housing and Planning	Officer decision dated: xx December 2020

Annex

Council Tax: Exemption Classes (No charge)

Class	Description
B	Vacant for up to six months and owned by a charity (providing use for the purpose of that charity)
D	Property left empty by someone who has been detained (except for those in prison for non payment of Council Tax or a fine)
E	Property left empty by someone who is permanently in care or hospital
FNP	Property left empty by a deceased person, waiting for probate or letters of administration to be granted
FF	Property left empty by a deceased person, probate has been granted, and property furnished: exempt for a further 6 months from the date of probate. Then full charge.
FN	Property left empty by a deceased person, probate has been granted, and property unfurnished: exempt for a further 6 months from the date of probate. Then full charge.
G	Occupation prohibited by law
H	Vacant and being held available for a minister of religion
I	Property left empty by someone who has moved elsewhere to receive personal care
J	Property left empty by someone who has moved elsewhere to provide personal care
K	Vacant but previously occupied by students
L	Vacant where mortgagee is in possession
M	Student Halls of Residence
N	Properties only occupied by students
O	Properties owned by Secretary of State for Defence – armed forces accommodations
P	Properties occupied by members of visiting forces
Q	Vacant property where liable person is bankrupt
R	Vacant pitch or mooring
S	Property occupied by under 18's
T	Vacant annexe that cannot be let separately
U	Occupied only by people severely mentally impaired
V	Occupied by a diplomat
W	Annexe occupied by a dependent relative of the residents of the main building

Council Tax: Discount Classes (Local Authority discretion on discount amount)

Class	Description	% Discount
A	Unoccupied and furnished property, the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days a year	0
B	Unoccupied and furnished property	0
C	Unoccupied and unfurnished property	0
D	Property undergoing structural alterations and repairs, maximum 1 year	100
D6	Property undergoing structural alterations and repairs, once works complete, maximum 6 months within the year of D discount	100
	There are a number of situations in which a 25% discount can be applicable, including when only a single adult is in occupation. There are 22 such situations, and as they all relate to occupied premises, they are not fully listed here.	25

Council Tax: Annexe Discount (No Local Authority discretion)

Class	Description	% Discount
Reductions for Annexes	The annexe forms part of a single property which includes at least one other property; and the person living in it is a relative (under the age of 65) of the person who is responsible for paying the Council Tax on the main property; or the annexe is being used as part of the main home by the person liable to pay Council Tax.	50

Council Tax: Premium Classes (Additional charge)

Class	Description	% Premium
L	Property unoccupied and unfurnished for two years or more but less than five years.	100
L5	Property unoccupied and unfurnished for five years or more.	200

Private Sector Housing

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