

You are requested to attend a meeting of the Executive to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 21 April 2016 at 18:15.

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## **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Executive held on 9 March 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disposable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Executive are shown on the attachment.
- 5 Superfast Broadband – Delivery of Phase 2 Rollout. Report of the Assistant Director - Business Development (attached).

Reporting Officer: Ian Timms

- 6 Empty Homes in Taunton Deane and the Draft Empty Homes Strategy and Review of the Empty Homes Coordinator Post. Report of the Strategy and Partnerships Lead Officer (attached).

Reporting Officer: Mark Leeman

- 7 Executive Forward Plan - details of forthcoming items to be considered by the Executive and the opportunity for Members to suggest further items (attached)

Bruce Lang  
Assistant Chief Executive

18 July 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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**Executive Members:-**

Councillor M Edwards	(Business Development and Asset Management and
Communications (Deputy Leader))	
Councillor J Warmington	(Community Leadership)
Councillor R Parrish	(Corporate Resources)
Councillor P Berry	(Environmental Services & Climate Change)
Councillor T Beale	(Housing Services)
Councillor J Williams - Leader of the Council	(Leader of the Council )
Councillor R Habgood	(Planning Policy and Transportation)
Councillor C Herbert	(Sports, Parks and Leisure)

## **Executive – 9 March 2016**

Present: Councillor Williams (Chairman)  
Councillors Beale, Berry, Habgood, Mrs Herbert, Parrish and  
Mrs Warmington

Officers: Shirlene Adam (Director – Operations), James Barrah (Director – Housing and Communities), Lucy Clothier (Housing Accountant), Jo Humble (Housing Development and Enabling Manager), Tim Child (Asset Manager), Simon Lewis (Assistant Director – Housing and Community), Angela Summers (Housing and Community Project Lead), Christine Gale (Strategy Officer) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge and Coles  
Anne Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 6.15 pm.)

### **11. Apology**

Councillor Edwards.

### **12. Minutes**

The minutes of the meeting of the Executive held on 4 February 2016, copies of which had been circulated, were taken as read and were signed.

### **13. Declarations of Interest**

Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust. Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College. Councillor Parrish declared a personal interest as the District Councils' representative on the Somerset Pensions Committee.

### **14. Housing Revenue Account Business Plan Review**

Considered report previously circulated, which sought to update Members on the progress of the Housing Revenue Account (HRA) Business Plan Review

The Business Plan contained the aims and objectives for the HRA and was first put in place in 2012. Annual reviews had since been reported to Members and tenants.

Since its introduction, there had been a number of significant changes to the Business Plan, both internal to the Council, and external. A comprehensive review

was now needed to ensure that the HRA continued to meet the needs of tenants within the financial constraints.

The Business Plan Review included:-

- Refreshing and reviewing the baseline financial position, including a health check of the stock investment data;
- Undertaking sensitivity and stress testing of the Business Plan to support the modelling of future decision making in areas such as rent policy, the major works programme, the housing development pipeline and regeneration projects, changes in Government Policy and demographic changes ahead;
- Reviewing the Business Plan priorities and objectives;
- Updating the Business Plan document, financial modelling and debt profiling;
- The development of a new Asset Management Plan to set a refreshed course based on the performance of the Council's existing stock; and
- A Development Strategy that would provide the future direction for new build volumes set against the regeneration of our non-traditional stock.

Noted that the company Savills had been appointed to provide external support and challenge for this work. The intention was for the Business Plan Review to refresh the priorities of the HRA and financial position over a new 30 year period – from 2016/2017 through to 2045/2046.

Further reported that a discussion paper prepared by Savills, in conjunction with officers, had been circulated with the report for the information of Councillors.

The paper contained details of the updated financial position, performance against the Business Plan priorities, and proposals for new objectives and an updated action plan. It also included five key areas of discussion as follows:-

- (1) What should be the core business of the Housing Service, and were the priorities in the draft action plan appropriate to deliver this?
- (2) What priority should be given to improving the customer experience of Housing Services, and which were the most effective and efficient actions to achieve this?
- (3) How should limited financial resources be prioritised to support sustainable investment in each of the following:-
  - Capital spend – investment in existing stock;
  - New build programme; and
  - Revenue spend - including wider community priorities.
- (4) Should the Council consider products that were closer to the market such as Intermediate or Affordable Rent in order to generate additional income?
- (5) What was the Council's appetite for repaying or increasing its debt?

The discussion paper had been considered in detail at the recent meeting of the Community Scrutiny Committee and consultations had also been undertaken with the Tenant Services Management Board, the Tenants Forum and all staff members in the Housing and Communities Directorate.

Although a detailed summary of the key points and responses received was circulated with the report, the main conclusions which could be drawn from those responses were as follows:-

- The Council's core business should be social rented housing for the most vulnerable in our communities;
- The proposed new objectives were appropriate;
- Much could be done to improve the customer experience of the Housing Service;
- Subject to certain continuing commitments regarding repairs and maintenance service standards, on balance it would be acceptable to prioritise new build over some maintenance spend;
- However, understandably tenant groups would not want the standards in Taunton Deane's existing housing to fall, and it was felt that more could be done to make better use of the current repairs and maintenance spend in order to free up resources;
- There was an appetite to look at housing products that were closer to the market in order to generate additional income on new build/regeneration schemes; and
- There was an acceptance and agreement that our current approach to debt repayment would have to be revised, based on treasury management advice, to achieve a viable Business Plan and protect services.

Reported that a large scale stock condition survey of Taunton Deane owned housing was currently underway. The results of this were expected to be received by early April, and would 'feed in' to the overall financial position relating to the HRA Business Plan.

Following the completion of the survey, regular sessions and briefings were being planned with both Members and tenants culminating in recommendations being made to Full Council in July 2016 as to the approval of a revised Business Plan.

**Resolved** that:-

- (1) The report, particularly the key points and responses received to the recent consultation, be noted and supported;
- (2) The Areas for Discussion (1) and (4) be linked in such a way that any further income generated would be available to support the core business of the Housing Service; and
- (3) The provision of more new build/regeneration schemes also be supported.

(Councillor Williams left the meeting at 7 p.m. Councillor Mrs Herbert took the Chair for the remainder of the meeting.)

## 15. **Community Asset Transfer Policy**

Considered report previously circulated, concerning details of the recent consultation completed in respect of the Council adopting a Community Asset Transfer Policy.

Implementation of the Community Asset Transfer (CAT) Policy had commenced in July 2014.

The draft Policy was sent out for consultation in August / September 2014 to local Community Groups, Town / Parish Councils and libraries for comment. The result of the consultation came back with various concerns as follows:-

- a) The Policy was too long and complicated;
- b) It focused on transfers only by way of leasing out property;
- c) There was no indicative timetable for progress of a CAT application;
- d) It seemed to focus on the transfer of non-profitable assets and merely for community bodies to take on the cost of maintaining and running them;
- e) The Policy also appeared to have too much Council control with the Council being able to take back the asset if a use was found which could make it viable; and
- f) It was not in the spirit of the Localism Act.

Following on from this response, the decision was taken to comprehensively reassess the draft Policy to take into account the issues that had been raised. It was also decided to look at the CAT Policies already adopted by other Councils and establish what factors they had taken into consideration when drafting them.

The result of this was that the original draft Policy had been redrafted and consulted upon to a widened list of consultees which comprised:-

- o Councillors: County, Town and Parish as well as the Member of Parliament (approximately 106);
- o Education Organisations (approximately 2);
- o Faith Groups/Churches (approximately 43);
- o Internal Officers (approximately 15);
- o Partner Organisations (approximately 12); and
- o Voluntary and Community Organisations (approximately 165).

The consultation – which took place between 9 November 2015 and 15 January 2016 – had had a wide exposure, seeking to obtain representative views of the public.

The Council had received a total of 27 responses giving a response rate of 7.9%. Details of the responses were set out in the report.

The key themes of the consultation concerned:-

- (i) Whether the consultee believed that the Policy would deliver wider public benefits as part of a CAT process;
- (ii) Whether the consultee believed the Policy would achieve the Council's Corporate Aims and Values;
- (iii) Agreement as to the principles underlying the Policy which sought to involve local communities, to provide a pro-active asset management programme as well as giving clear transparency in decision making. Consultees were asked whether these principles would help the Council achieve a successful CAT Policy; and
- (iv) Acceptance of the application criteria set out in the CAT Policy.

Each of these key themes had attracted support in excess of 60%. Details of

various concerns expressed by some of the consultees were set out in the report. Although it was generally apparent that the majority of the consultees were supportive of the Council transferring assets, there was concern about continuing liabilities, lack of ongoing support from the Council but a continuing 'interest' in the land by the Council. Others believed that assets should be retained by the Council.

As a result of the consultation, a number of amendments had been made to the proposed CAT Policy.

Noted that the transfer of assets to community groups would have the potential to create opportunities for these groups to commission Deane DLO or other services to support them post transfer.

Reported that this matter had been considered by the Community Scrutiny Committee on 1 March 2016 where the CAT Policy was supported.

**Resolved** that Full Council be recommended to adopt the Community Asset Transfer Policy and the Initial Expression of Interest Form.

#### 16. **Corporate Equality Objectives 2016-2019**

Considered report previously circulated, concerning the updating of the Corporate Equality Objectives for both Taunton Deane Borough Council and West Somerset Council.

The Equality Act 2010 covered the following protected characteristics:-

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation.

The Corporate Equality Objectives document outlined how the Council built equality into commissioning, procurement and delivering services and how the Council:-

- (a) Provided direction for the Council's Members, managers and employees with clear equality objectives;
- (b) Provided the basis for actions to be embedded within all service plans;
- (c) Document how the Council would meet its statutory public duties in regard of the Equality Act 2010 and the public sector equality duty; and
- (d) Utilised the Equality Impact Assessment (EIA) process to ensure consideration of impact on groups with protected characteristics. These considerations were built into the design process of all changes to services and were fully considered by Members in the decision making process.



The Council took the approach that equalities should be mainstreamed within all service areas and should not be the sole responsibility of one officer. The following Corporate Equality Objectives reflected this approach specifically in the Council's role as a service provider, employer, purchaser of goods and services and elected community leader:-

- **Objective 1**: Councillors would fully consider the equality implications of all decisions they made.
- **Objective 2**: Those with protected characteristics felt empowered to contribute to the democratic process that affected them; their input to be used to inform the planning and delivery of services.
- **Objective 3**: Communities with protected characteristics were able to access services in a cost effective and appropriate way – for example through the provision of interpreting or translation services or signing for residents who were deaf or blind.
- **Objective 4**: Actions were taken to identify and reduce any inequalities faced by employees.

Copies of the proposed Corporate Equality Objectives 2016-2019 and Action Plan, the Interpreting and Translation Policy and the British Sign Language Charter for Somerset were submitted for the information of Members

The objectives would be implemented through a Corporate Equality Action Plan which would be regularly monitored to ensure equality risks were being assessed and that actions worked toward achieving the aims of the Corporate Equality Objectives.

Noted that Equality Impact Assessments would be monitored via six monthly 'spot checks' undertaken by the Housing and Community Team.

Further reported that consultation on the proposed Corporate Equality Objectives had been carried out with partners and other key stakeholders, including the countywide consultation event on 17 September 2015. Key findings from this consultation were detailed in the report.

The objectives aimed to improve the lives of the residents in Taunton Deane and would support the Council's legal requirements outlined in the Equality Act 2010 and the public sector equality duty 2011.

During the discussion of this item it was considered that additional training – whether through e-learning modules or through a more traditional means – should be provided for Members. Reference was also made to the Makaton form of Sign Language which should also be an option for those local residents who were deaf or hearing impaired who wished to communicate with the Council.

**Resolved** that the:-

- (a) Corporate Equality Objectives 2016–2019 and Action Plan;
- (b) Interpreting and Translation Policy; and

(c) British Sign Language Charter for Somerset;  
all be adopted.

17. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

**Resolved** that the Forward Plan be noted.

(The meeting ended at 7.31 p.m.)

## **Usual Declarations of Interest by Councillors**

### **Executive**

- **Employee of the Department of Work and Pensions – Councillor Mrs Herbert.**
- **Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust.**
- **Councillor Edwards declared a personal interest as the Chairman of Governors of Queens College.**
- **District Council's representative on the Somerset Pensions Committee – Councillor Richard Parrish.**

# Taunton Deane Borough Council

**Executive - 21 April 2016**

## **Superfast Broadband – Delivery of Phase 2 Rollout**

**This matter is the responsibility of Cllr Mark Edwards**

**Report Author: Ian Timms, Assistant Director Business Development**

### **1 Executive Summary / Purpose of the Report**

- 1.1 To update members on the procurement process for the delivery of Superfast Broadband Phase two. This programme is being delivered through the Connecting Devon and Somerset Partnership (CDS).
- 1.2 To seek the necessary authorisations to enable the council to finalise its commitment to phase 2 of this project.
- 1.3 To give an outline of the key issues, risks and considerations associated with this decision as they relate to the collaboration agreement.

### **2 Recommendations**

- 2.1 That the committee notes the update on the procurement process to deliver phase 2 superfast broadband.
- 2.2 That the committee supports the proposal to grant delegated powers to the Assistant Director for Business Development to sign the collaboration agreement in consultation with the portfolio holder for Economic Development

### **3 Risk Assessment**

#### **Risk Matrix**

<b>Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Overall</b>
Signing the collaboration agreement commits the council to indemnifying the project. This indemnification shares the risk relating to the procurement and contract. This will create a financial risk to the council	3	4	12

<i>Each partner`s exposure to cost will be limited through the agreement to the percentage that they have committed to the project. Robust procurement will be carried out by lead partner Robust contract management will be carried out by lead partner</i>	2	4	8
An appropriate minimum level of coverage is not achieved through the procurement process across the CDS area	3	4	12
<i>Clear Invitation To Tender (ITT) Robust assessment process Contract only awarded to compliant bidder</i>	3	2	6
Finances provided by TDBC is not spent in the Borough	3	4	12
<i>Collaboration agreement has specific clause addressing this risk</i>	1	4	4

#### Risk Scoring Matrix

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

#### 4 Background and Full details of the Report

- 4.1 The Connecting Devon and Somerset (CDS) partnership is leading the delivery of Superfast Broadband (24 Mb) across Devon and Somerset through its non-commercial rollout out programme. Phase one of this project is currently seeking to bring Superfast Broadband to a minimum of 90% of all premises by end of 2016.
- 4.2 The second phase will seek to increase the level of coverage to a minimum of 95% across the partnership area. In order to support this goal a range of partners, which

includes Taunton Deane Borough Council have agreed in principle to make a financial contribution to the project. In the case of TDBC this is a capital contribution of £380,000.

- 4.3 All of the partners have been asked to sign a collaboration agreement to confirm their financial commitment to this phase. The agreement outlines the basis on which the contribution will be used by CDS to deliver the rollout of this second phase.
- 4.4 Signing this agreement will enable the overall financial package to be finalised. This will in turn lead to the invitation to tender (ITT) being issued. Signing the collaboration agreement finalises each partner's involvement in the project.

### **Procurement process**

- 4.5 The initial exercise to procure this additional coverage culminated in early summer 2015. The deadline for that procurement phase was driven by the expiry of a State aid notice on 30 June 2015 which enabled the funding package to be delivered.
- 4.6 The initial procurement was split into two packages:  
  
The main package related to the wider CDS area  
The smaller package cover Exmoor and Dartmoor (two moors) which is an area that requires alternative solutions to provide the desired level of coverage.
- 4.7 The main package was procured using the framework agreement that existed at that time. The framework was restricted to two potential bidders, Hitachi and BT. One bid was received from BT which failed to meet the contract requirements and was therefore rejected. This was well publicised at the time and also scrutinised in depth by both of the Upper tier authorities.
- 4.8 The secondary package covering the two moors was procured on an open tender basis. This area has a challenging geography and it was perceived that this would require alternative solutions to be applied. The contract was awarded to Airband who are delivering a Wi-Fi solution to provide the required coverage.
- 4.9 The new procurement phase for the main package has been underway over the past 6-9 months. This includes supplier days, securing a new state aid notice, tender preparations, revising collaboration agreements and all the necessary work associated with a procurement of this nature.
- 4.10 In order to enter the next phase of the procurement CDS are seeking to ensure that all partners have signed off the collaboration agreement. As stated above the agreement will effectively finalise the financial commitment to delivery of the project. The sign off of this agreement is being sought in the next 6-8 weeks. It should be noted that the securing a delivery partner will also require a state aid notice to be granted which will be use in tandem with the financial package.

### **Collaboration Agreement – Issues and Risks**

In committing to sign the agreement there are some key risks and issues to consider.

These are in four key areas which are explored in section 4.11 -4.15 of this report and detailed below.

#### 4.11 Indemnity

There is a specific risk related to the procurement itself as each partner will indemnify the lead authority for its proportionate share of the procurement exercise and the contract management process. The cost sharing relating to liability is on the following basis and therefore limits the liability of each partner as outlined in the table below.

B&NES	3.27%
DEVON	37.64%
MENDIP	6.55%
NORTH SOMERSET	6.27%
SEDGEMOOR	5.56%
SOMERSET	24.22%
SOUTH SOMERSET	10.47%
TAUNTON DEANE	6.22%
WEST SOMERSET	2.78%

The exposure of Taunton Deane Borough Council is therefore relatively small but remains a risk associated with process. This risk should be addressed by good procurement practice in letting the contract and robust contract management through the delivery phase

#### 4.12 Board representation

In the initial procurement exercise in 2015 the Somerset Districts were offered one representative on the CDS board. Whilst the procurement failed this place was offered to the Somerset leaders Group and is currently occupied by Cllr John Williams of TDBC. Since that procurement there has been further negotiation which has led to the offer of an additional place to represent Districts on the Board. This would bring representation to a level that reflects the relative financial commitment being made by Districts.

#### 4.13 Local Outcomes and Ring fencing

The agreement reflects the requirement from each funder that the monies provided are spent in their respective district. There is also a clear commitment to secure Value For Money which translates into securing the maximum possible benefit for the monies committed by each partner.

It should be noted that an element of funding is focused on business premises. The tender invitation will therefore have requirements around delivering this type of premises which were not possible in the phase one rollout. There can/also be specific requests built into the tender around priority areas although this will need to be kept at a relatively simplistic level to minimise complication in the tender process.

The tender will set a minimum threshold of 95 % superfast coverage across the CDS area. However as the procurement is subject to bidders assessing what is technically possible in each area and then submitting their coverage projection it is not possible to issue a guarantee at this stage around the specific gains in each district.

The council therefore needs to balance its aspiration to deliver enhanced coverage against the reality that ahead of the procurement exercise there can be no clear cut guarantee of exact coverage that will be gained as this is an unknown until completion of the bidding process.

The secondary consideration relates to how much extra benefit is gained from contributing. In simple terms the less money that is committed to an area the less coverage a bidder is likely to provide. As the council has broadband as it is priority it seems logical that we would wish to make the contribution that has been requested from the lead partner.

#### **4.14 Repayment of contributions**

All partners requested clarification on what circumstances could enable their withdrawal from the rollout delivery phase. In summary this may occur if the contract were inoperable. This risk should be addressed through the tender process and in reality withdrawal is only possible in that limited situation.

#### **4.15 Summary**

There are clearly risks and issues created by signing the collaboration agreement. However these are on balance adequately addressed by the agreement. There may be further amendments but subject to these changes Somerset County Council, acting as lead partner have asked each partner to sign off the agreement once it has been finalised.

In order to achieve this goal members are asked to endorse the signing of the document by the assistant Director Business development in consultation with the Portfolio holder. This will be supported by verification from the Section 151 officer.

### **5 Links to Corporate Aims / Priorities**

5.1 The Council has identified the rollout of fibre broadband and better mobile phone signal coverage across the Deane as a corporate priority. This is described in the Corporate Plan, Theme 2, issue F.

5.2 Committing to the next phase of the Superfast programme will assist in delivery of this Corporate Priority

### **6 Finance / Resource Implications**

6.1 The signing of the collaboration agreement would finalise the council's commitment to the Superfast Broadband Phase 2. This will mean that the sum of £380,000 allocated to the project will need to be drawn down in line with the approved budget for the contribution within the capital programme.



6.2 The monies are being sourced from the earmarked New Homes bonus monies that have been allocated to support Growth in the Borough.

## **7 Legal Implications**

7.1 The legal issues are outlined as risks in this report. The signing of any document will be supported by advice from SHAPE.

## **8 Environmental Impact Implications**

8.1 There are no known implications from this report.

## **9 Safeguarding and/or Community Safety Implications**

9.1 There are no issues associated with this report relating to this agreement.

## **10 Equality and Diversity Implications**

10.1 Equality and Diversity considerations are a key component of the tender document. Assessment of any implications and how these are addressed by bidders is therefore a key element of the final part of the procurement exercise.

## **11 Social Value Implications**

11.1 The procurement of the second phase is being led by Devon CC on behalf of the partnership. Social Value is being built into the process. As an example we are seeking to secure wider community benefits such as training on use of the internet through the contract process.

## **12 Partnership Implications**

12.1 The delivery of Superfast Broadband to Somerset is a partnership activity. The CDS partnership has the biggest rollout programme of any area in England. As we move into the next phase of the partnership Taunton Deane BC will become a formal member of the partnership through its commitment of funding to the delivery of the project. This partnership will ultimately have benefits for the business community, schools and individual homes as the rollout occurs and Superfast Broadband availability increases across the area.

## **13 Health and Wellbeing Implications**

13.1 Superfast Broadband is now seen by many as essential to managing their day to day lives. Therefore access to this service can be seen as impacting this area. A specific example is that having a good connection could reduce isolation

## **14 Asset Management Implications**

14.1 There are no asset management issues associated with the report.

## 15 Consultation Implications

- 15.1 The creation of the tender for this next phase of Superfast Broadband is an evolution based on consulting with potential partners and tenderers. A procurement of this size is by its nature consultative.

## 16 Scrutiny Comments / Recommendation(s)

A number of issues were debated related to the risks identified within the report. The Committee asked for clarification on the costs splits in Devon and Somerset as it appeared in the report to be committing less monies. A separate answer has been provided to the Committee Members through the clerk.

Members also requested that they were kept updated on progress through the Council updates and general briefings as appropriate.

Scrutiny Committee added the Shadow Portfolio holder to recommendation 3.2 of this report.

### Democratic Path:

- Corporate Scrutiny Yes
- Executive – Yes

Reporting Frequency: Once only for approval

### Contact Officers

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# Taunton Deane Borough Council

**Executive – 21 April 2016**

## **Empty Homes in Taunton Deane and the Draft Empty Homes Strategy and Review of the Empty Homes Coordinator Post**

### **Report of the Strategy and Partnerships Lead Officer**

(This matter is the responsibility of Executive Councillor Terry Beale)

#### **1. Executive Summary**

- 1.1 This report considers the issue of empty homes. At best empty homes are a waste of valuable resources but often empty properties can be a blight on neighbourhoods and their environment. This report seeks to quantify the extent of the issue within Taunton Deane. It then introduces the various initiatives that are seeking to address the problem of bringing empty homes back in to use. This includes:-
- Empty Homes Strategy (Draft) 2015 – 2018; and
  - Projects that are currently being prepared / delivered to bring empty homes back in to use.

The report considers the financial benefits of bringing empty homes back in to use. The report also reviews the effectiveness of the Empty Homes Coordinator post and provides a business case for the continued (temporary) employment of this post (the current contract ends in July 2016)

- 1.2 It is **recommended** that the Executive:-

- considers the content of the Draft Empty Homes Strategy and provides their approval subject to any recommended changes; and
- Approves a two year extension to the contract for the Empty Homes Coordinator on the basis of 3 days per week (i.e. as existing: 1 day for West Somerset and 2 days for Taunton Deane) with Taunton Deane's share of the cost funded from underspend in 2016/2017 budget.

#### **2. Background and Full Details of the Report**

- 2.1 Tackling "Empty Homes" is a national, regional and local priority.

##### **Laying the Foundations – A Housing Strategy for England (November 2011)**

- 2.2 This national strategy for housing in England sets out the Government's key areas of action to ensure a thriving, active but stable housing market is in place that offers choice, flexibility and affordable housing given how critical this is to our economic

and social wellbeing. The Strategy contains four priorities, one of which is to 'tackle empty homes'.

### **Somerset Strategic Housing Framework (2013)**

- 2.3 The Strategic Housing Framework contains three priorities. Priority 2 seeks to 'make the best use of the sub-regions existing housing stock'. A key area of focus is to 'bring empty homes back in to use and utilise them for those in housing need'. The framework notes that (during 2010-2011) there were 7,837 empty homes in Somerset with almost 90% of these in the private sector and 36% of them being empty for more than six months. The Framework goes on to state: 'This is a wasted resource that can be brought back in to use to help combat the shortage in housing'.

### **Current Empty Homes Strategy**

- 2.4 The Council's existing local Empty Homes Strategy was developed during 2009/2010. This strategy is no longer fit for purpose. Legislation has changed and so too has the financial incentives. In addition, Hinkley C will have a significant impact. The context has completely changed requiring the development of a new strategy.

### **Revenue implications**

- 2.5 Bringing Long Term Empty (LTE) homes back in to use has revenue implications for local authorities. For each LTE that is brought back in to use, Taunton Deane Borough Council would receive approx. £7,000 through New Homes Bonus (NHB) based on receiving NHB for 6 years. The Government is currently carrying out a consultation on NHB and the MTFP reflects a reduction in the number of years NHB would be received down to 4 years from 6. Taunton Deane would receive approximately £5,000 from NHB based on 4 years. However, if the number of LTE goes up (from one year to the next) then this number is deducted from the number of newly constructed properties from which NHB is also claimed. So there is a 'carrot and stick' financial approach to bringing LTE back in to use – New Homes Bonus is calculated on the *net change* in the number of empty homes each year.

### **Local Context – Setting the Scene**

- 2.6 Homes from Empty Homes (the national campaigning charity) recently published Empty Homes in England (Autumn 2015).
- 2.7 This excellent report can be viewed here:

<http://www.emptyhomes.com/wp-content/uploads/2011/05/Empty-homes-in-England.pdf>

- 2.8 The report uses Council Tax Base returns to Central Government to map a picture of empty homes across England. It shows that local authorities with a higher proportion of empty dwellings tend to be in the North, but also along some coastal places (see map on page 5). The report acknowledges that there is, of course, a need for some empty properties – housing markets need empty properties to

function. However, the principle concern of this report is with properties that have been vacant for six months or more. These are Long Term Empty (LTE) properties and can often prove difficult to reoccupy without some form of intervention. The majority of local authorities with the highest percentage of LTE are mostly in the north. There are only a few in the south and only two in the South West. Maps One to Four are of particular interest. They show the situation within Taunton Deane compared to the regional/national picture. It can be seen that Taunton Deane has a level of LTE that is both a concern but also fairly typical of the extent of the problem throughout parts of the South West.

- 2.9 The report goes on to explore the reasons why homes are long term empty, the relationships between deprivation/house prices and concentrations of LTE, as well as ways of tackling the problem.
- 2.10 The report contains a number of recommendations (page 22) including the need for local authorities to develop empty homes strategies and to employ dedicated resources to undertake case work.
- 2.11 The issues raised in this report are explored further in the sections below.

## **EMPTY HOMES STRATEGY (DRAFT)**

### **Introduction**

- 2.12 The draft Empty Homes Strategy for 2015-2018 is attached at Appendix A. This has been prepared by the Somerset West Private Sector Housing Partnership (SWPSHP). It therefore applies to three local authority areas: Sedgemoor, Taunton Deane and West Somerset.

### **Content**

- 2.13 The draft strategy discusses the following themes:-
- Why do homes become empty?
  - What problems do they cause?
  - The benefits of bringing a home back in to use
  - How to bring homes back in to use
  - National and local context
  - Numbers.
- 2.14 The draft strategy has two key priorities:-
- To provide encouragement and support to owners of empty homes to bring them back in to use; and
  - To use appropriate enforcement action to bring empty homes back in to use

- 2.15 To achieve these priorities, the Partnership will take into account the following key elements:-
- The length of time the property has been empty, with officers focussing on those empty for more than 6 months;
  - If the property is having a negative impact on the area; and
  - If the owner is taking steps to deal with the problems and return the property back into occupation
- 2.16 The strategy identifies how these priorities will be delivered through:-
- Identifying empty homes;
  - Advice and assistance; and
  - Enforcement options.
- 2.17 The draft strategy concludes with an Action Plan together with targets and arrangements for monitoring and review.
- 2.18 A consultation period commenced in the early New Year and ended on 29 February 2016. The strategy was posted on the SWPHSP website and interested parties (e.g. Registered Social Landlords, private landlords, communities etc) were invited to respond to select questions. In total 45 responses were received, all supportive. Specific comments related to the availability of grant funding and the use of enforcement powers. Concerning these powers - we have had to introduce caveats regarding the use of enforcement for both Taunton Deane and West Somerset Councils. Ultimately enforcement is expensive in both time and money. We have to acknowledge that enforcement will be a matter of last resort and that any desire to proceed with enforcement requires a decision of the relevant Executive member. This is now reflected in the wording of the draft Strategy.
- 2.19 Members are requested to consider and approve the content of the draft Strategy. The draft Strategy will also require the formal consideration and approval of Sedgemoor District Council and West Somerset Council before final adoption.

### **EMPTY HOMES IN TAUNTON DEANE / NEW HOMES BONUS**

- 2.20 Through the One Team, Taunton Deane and West Somerset Councils appointed an Empty Homes Coordinator on a one-year fixed term contract from 1 July. The postholder works three days per week (33% funding coming from WS). The post is based in the Revenues and Benefits Service. The role is to:-
- Maintain and develop the Empty Homes Property database;
  - Ensure that the Council Tax register is clean and accurate;
  - Provide information, advice and guidance (IAG) to empty home owners to assist them in bringing properties back into use. This includes signposting owners to help available in the form of grants and loan; and

- Provide accurate numbers i.e. number of empties and those brought back in to use – and to use these to inform our claim for New Homes Bonus (NHB).

2.21 The Coordinator works closely with the Council's Housing Enabling Lead. Together they are able to provide an accurate picture of the number of empty homes in Taunton Deane, with an understanding of why properties may remain empty for long periods.

### **Empty Homes in Taunton Deane**

2.22 As at 11 January 2016, the number of LTE homes within Taunton Deane is 472. 118 of these properties have been empty for over two years and the owner of the property is charged a 50% premium or levy on their Council Tax – the equivalent of 150% of the normal Council Tax charge. Of the 472 currently empty:-

- 19 are awaiting demolition and redevelopment;
- 18 properties are part of a building the owner is looking to remodel; and
- 11 are newly-built properties that are yet to be sold or occupied.

2.23 The remainder of properties are a real mixture. Many are empty following the death of the last occupier and are for sale. Many more require structural alterations or major repairs before they can be occupied again.

2.24 There are undoubtedly properties on the empty homes list which should not be there, either because they are occupied but no-one has confirmed this or because they require some form of re-classification. The Empty Homes Coordinator has a key role here i.e. carrying out a canvas of properties to update our records for the October Council Tax Return (see below). Our focus at the moment has to be desk top monitoring, which has its limitations. Ideally, the EHC would undertake validation visits to all properties once a year, particularly close to NHB return. However, this is just not feasible, given insufficient resources. Accordingly, our records will always be slightly inaccurate. However, the EHC will undertake as many visits as possible, as we recognise that there are potentially significant financial gains. To support the validation process, from 1 April 2016 we will be applying a £70 penalty if, without good reason, an owner fails to provide information we ask for (i.e. the completion of the review form) within 21 days of our request. This should encourage owners to complete the review form in a timely manner.

2.25 Central Government count the number of empty homes brought back into use by comparing the number of such properties we report on our annual Council Tax Base (CTB) return each October. This report is a 'snapshot' as of the first Monday in October and is rather a crude measure at best.

2.26 On 5 October 2015, there were 464 properties reported on the CTB return as LTE. This was a reduction of 14 on the previous return in 2014. It should be noted this does not necessarily mean the authority has actively brought back 14 properties into use. We may not have done any proactive work with owners to get these properties back into use. Conversely, we could have actively engaged with 100 owners to

bring their properties back into use, only to find 86 properties have become classified as LTE in the same period.

- 2.27 There is a general 'churn' of properties on our LTE list. Properties that become vacant following the death of an owner often take time to re-sell or become available for letting. Very often this takes more than 6 months with the likelihood that such properties will at some point fall to be classed as LTE.
- 2.28 Properties that are furnished do not count as LTE. It is therefore important we identify any properties that while unoccupied are furnished and that LTE owners report this to us. Our review forms ask owners to confirm if the property is empty and what type of furniture is in the property to allow us to determine if the property should be re-classified on our Council Tax register.
- 2.29 The role of the Empty Properties Co-ordinator is therefore very much focused on ensuring the Council Tax database is as accurate as possible and to ensure owners of LTE's promptly report changes of circumstances, as well as providing information and guidance on how best to get the property back into use.

### **New Homes Bonus**

- 2.30 New Homes Bonus (NHB) is a grant funding system through which Councils are rewarded for the housing growth. The system rewards Councils in an equal way for homes provided through bringing empty homes back into use and for newly built homes. The system provides two incentives for bringing empty homes into use. Firstly, the Council receives funding for empty homes that are returned to use, and secondly, an increase in empty homes numbers will reduce funding.
- 2.31 The system does not differentiate between homes the Council was actively involved in providing and those that it was not. It simply rewards the annual net increase in homes in the Council's area. This means that if the number of empty homes increases the Council could lose out on rewards it might have otherwise received for newly built homes. For example, if 100 new homes were built, but there had been a net increase of 25 empty homes during the year, the Council would be rewarded for the net increase of 75 homes.
- 2.32 The amount of reward the Council receives is calculated based on the Council Tax banding of each property brought into use, and gives the Council the national average Council Tax figure for the band of each property involved x 80%. This payment is made for each of the six years after the new home is created. Of course, in addition, the Council is due to receive the actual Council Tax from the taxpayer as well. An affordable housing supplement of £280 (£350 x 80%) also runs for each of the 6 years, and that amount does not vary for different bands of property.
- 2.33 The Government is currently consulting on changes to NHB which are likely to reduce the amount the Council can keep from 6 to 4 years.



- 2.34 The reward paid to Councils is not ring fenced, and can be used for whatever is a local priority. For this Council the NHB grant is essentially allocated to fund Growth and Regeneration priorities.

## **PROJECTS**

- 2.35 There are several projects that seek to bring empty homes back in to use. This includes various forms of financial assistance (see the draft EH Strategy – para 7.4).

### **Hinkley/EDF funded projects**

- 2.36 The Housing Funding Strategy for Taunton Deane is attached at Appendix B (as approved by TDBC Corporate Scrutiny – November 2014). This provides the details of two empty homes related projects. The schemes are not currently running as they are subject to the release of funding / final agreement:-

- Empty Homes Grant (value = £90,000). Provider: Somerset Care and Repair.
- Empty Homes Loans (value = £112,000). Provider SWPSHP.

- 2.37 In addition, local authority partners are keen to take advantage of other external funding opportunities. When required, we shall establish new partnerships with the voluntary and private sectors. For example, we have recently been made aware of new funding provided by the Nationwide Foundation which is a good example of the type of grant that we need to be bidding for. However, resources and capacity are always an issue.

- 2.38 We also have to be alert to funding that is made available through the Homes and Community Agency (HCA).

## **REVIEW OF THE EMPTY HOMES COORDINATOR (EHC) POST**

- 2.39 As noted above (paras 2.20 and 2.21) the Councils started employing an Empty Homes Coordinator (EHC) on 1 July 2015. The Job Description is provided at Appendix C. This is a 12 month contract and it is now time to review this post and to make a decision on whether to extend the contract.
- 2.40 The initial activity of the EHC was to carry out a review of all LTE properties (those that had been empty for more than 6 months) plus those properties that would be classed as LTE on the 5 October 2015 if they remained empty.
- 2.41 The review consisted of sending a questionnaire to the owner of the empty property to confirm the current situation with the property, their intentions for the property and whether or not they would like further information and guidance about the help available to owners about bringing the property back into use.
- 2.42 We issued 762 review forms. Approximately 350 reviews were returned of which 209 confirmed the property remained empty. The remainder were either reclassified as occupied or furnished or required an inspection because the owner indicated they were undertaking structural alterations or major repairs.

- 2.43 Approximately 150 changes of circumstances were notified to us during the review period independently of the review – almost all due to sales and relets – we call this ‘churn’.
- 2.44 As a result, over 300 properties of the 762 reviewed came off of the LTE list in time for the submission of the CTB return on 5 October 2015.
- 2.45 For 2015, we reported 464 LTE properties on the CTB return, compared to 478 in 2014, a net reduction of 14. This resulted in an extra £17,091 claimed from the New Homes Bonus in one year.

#### Lessons learnt

- 2.46 The review exercise highlighted the effect the ‘Technical Reforms to Council Tax’ had had on customers’ behaviour for reporting changes of circumstance since their introduction in 2013.
- 2.47 Prior to the technical forms, customers received a 10% discount on their empty property after the initial exemption period (i.e. 100% for the first 6 months) expired. If owners occupied their property, they had a reason to notify us, i.e. they were no longer entitled to that discount.
- 2.48 Since 2013, once the exemption period (now 3 months within Taunton Deane) expires, they receive no discount – in other words, their Council Tax charge is the same, whether they occupy the property or not. This may explain why some customers may not have reported changes in circumstances (i.e. occupying their property or furnishing their property) on the belief that it would not change their bill, but unaware of the effect it has on the classification of the property for the purposes of New Homes Bonus.
- 2.49 As a result, the Revenues and Benefits Service is committed to repeating the review exercise of LTE homes each year, taking place in the 3 months leading up to the submission of the CTB return in October. It is also creating an Empty Homes Flyer which will accompany Council Tax bills sent to owners at the point their 3 month exemption ends. The flyer will give details of the help available to bring properties back into use, but will also remind LTE home owners of their responsibility to report changes in circumstances, in particular, reoccupations, sales, re-lets and if the property becomes furnished.

#### Activities of the EHC since October 2015

- 2.50 Since October 2015 the EHC has:-
- Become a ‘focus point’ for communication;
  - Continued to update the Empty Homes database;
  - Established contacts with estate and letting agents, and auctioneers;

- Made contacts with internal contacts in Planning, Building Control and Environmental Health;
- Established a relationship with the national empty homes organisation ‘Homes from Empty Homes’; and
- Taking referrals and complaints from both members and the public.

**Case Study:** Long term empty property reported to Councillors. Empty Homes Co-ordinator intervenes. Meets resident, chases property owner. Outcome: Outside gardens cleaned up and planning application submitted to bring property back into use. Unlikely this would have happened so quickly without direct intervention.

- 2.51 Providing information, advice and guidance is the primary intervention of the EHC – this can be proactive or reactive. Some people ask for help and advice, others may show some interest after receiving appropriate promotional literature. Currently we signpost owners to loans available to bring their homes back into use and also a scheme provided by Somerset Care and Repair
- 2.52 When it comes to LTEs where the owners avoid offers of help and their home is causing an issue for neighbours or the community, we should be carrying out enforcement action. We call these LTEs ‘complex’ as they are the most resource intensive for little gain.
- 2.53 There are legal interventions that can be made under, for example: housing, planning, building control and environmental health law. The EHC does not have the necessary knowledge or resources to instigate such enforcement.
- 2.54 Enforcement activity is resource intensive – staff and money primarily (see para 2.18).
- 2.55 In some cases where the EHC has been contacted by a member of the public concerned about the neglect of an adjoining LTE property, he has been unable to make any progress due to the lack of a coordinated approach and available resources to deliver enforcement. This can be a very frustrating experience from the customer’s perspective.
- 2.56 Analysis of the LTE homes currently on our database suggests 5% of the homes on the database potentially require enforcement action, based on previous interventions, knowledge and the length of time they have been LTE.
- 2.57 Of the remaining 95%:-
- Approximately 25% require little or no resource to bring them back into use either because they are on the market for rental or sale or because we know that resource input is unlikely to make any difference to the speed they are resolved.
  - The remaining 70% are properties we know little about and require some investigation. Some may be on the market. Some may require investigation and end up needing intervention or (ideally – in a small number of cases)

enforcement. It is this 70% that the EHC needs to concentrate on going forward and to avoid getting 'pulled' to work on the 'complex' LTEs.

2.58 Ultimately, by concentrating on the '70%' we believe that the intervention of the EHC to encourage and signpost owners to assistance and resources will deliver significant benefits to the local authority through NHB. It will only take the bringing back in to use of 5 LTEs (across WS and TD) to cover the cost of this post. This will be easily achievable.

2.59 Measuring the success of the EHC post needs careful consideration. It is not as simple as merely taking the baseline figure of the CTB1 returns as a measure of success, and this is significantly impacted by new empty homes / LTEs being recorded (e.g. empty new homes on new build housing site). A smarter set of indicators is required based on the recording of direct interventions and the resulting success rate. Such performance indicators will be developed in due course.

2.60 Accordingly, it is proposed to extend the contract of the EHC post on the following basis:-

- Maintain the existing job description and salary;
- The post to continue to be based in the Revenues and Benefits service;
- 3 days per week (1 day for West Somerset and 2 days for Taunton Deane); AND
- Two year fixed term contract to 30 June 2018 (before which a further review will be undertaken).

2.61 Funding to be provided as follows:-

- SCC: 20%
- Of the remainder: 33% WSC, 67% TDBC

2.62 Community Scrutiny considered this report on 5 April 2016. No formal comments or recommendations on this proposal were provided for consideration by the Executive.

### **3. Finance Comments**

3.1 As described in this report, bringing empty homes back into use has a positive impact on the Council's funding as well as improving housing supply. The Council has invested in a share of a 0.6FTE of an Empty Homes Co-ordinator post for one year – funded from earmarked underspends in the last financial year (together with a contribution from the County Council as SCC also receives New Homes Bonus grant from Government based on net housing growth). The cost to TDBC for the post for a further two years is £17,600. The funding principle in supporting this post is that it is an 'invest to save' resource that adds value through maintaining and increasing NHB funding for TDBC, WSC and SCC. In order to secure the budget 'up front' for the cost of the post it is planned to fund the TDBC costs through a budget underspend in 2016/2017 where Housing Benefit/Council Tax Reduction Admin Grant has exceeded the estimate for the grant within the approved budget.

- 3.2 It is evident that the work undertaken so far by the Empty Homes Co-ordinator has had a positive impact on the empty homes position – and is expected to continue to do so – and this should be reflected in future New Homes Bonus settlement figures whilst the post is employed. As an indication (using 2015/2016 grant calculation figures), for each empty home brought back into use the Council should attract New Homes Bonus Grant as follows:

Council Tax Band	2015/2016 Average Council Tax Rate (nearest £)	One Year NHB Grant allocation to TDBC per property (x 80%) £	NHB Due over 4 Years for each home brought back into use £
A	989	791	3,164
B	1,154	923	3,692
C	1,319	1,055	4,220
D	1,484	1,187	4,748
E	1,813	1,450	5,800
F	2,143	1,714	6,856
G	2,473	1,978	7,912
H	2,967	2,374	9,496

- 3.3 The Council's MTFP currently includes projected NHB grant funding as summarised in the table below. The achievement of these levels of grant funding will be subject to the net increase in housing supply including a net reduction in empty homes (and as noted earlier in this report will also be subject to Government funding policy which is currently under review). If the NHB allocations fall below the sums in the MTFP this will have an adverse impact on the amount allocated towards funding Growth and Regeneration priorities. Similarly, exceeding these sums will have a positive impact, increasing the amount towards Growth and Regeneration. Provisional grant allocations are usually confirmed in December each year alongside the annual Funding Assessment.

***New Homes Bonus Forecast in the MTFP***

	2015/16 £	2016/17 £	2017/18 £	2018/19 £	2019/20 £	2020/21 £
<b><i>Actual Grant:</i></b>						
2011/12	391,980	391,980	0	0	0	0
2012/13	647,745	647,745	0	0	0	0
2013/14	686,946	686,946	686,946	0	0	0
2014/15	576,180	576,180	576,180	0	0	0
2015/16	875,804	875,804	875,804	875,804	0	0
2016/17	0	704,656	698,957	698,957	698,957	0
<b><i>Estimates:</i></b>						
2017/18	0	0	578,423	578,423	578,423	578,423
2018/19	0	0	0	516,180	516,180	516,180
2019/20	0	0	0	0	516,180	516,180
2020/21	0	0	0	0	0	516,180

<b>Totals</b>	<b>3,178,555</b>	<b>3,883,311</b>	<b>3,416,310</b>	<b>2,669,363</b>	<b>2,309,739</b>	<b>2,126,961</b>
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3.4 The cost of delivering the Empty Homes Strategy will be through the following resources:-

- Empty Property Coordinator;
- Any external grants that may be applied for; and
- Housing Standards Officers: staff time should enforcement action need to be considered.

3.5 Any enforcement action would be on a case by case basis. This is difficult to quantify as it will depend on the case, intensity etc. We must recognise that there are often significant costs (time and money) in pursuing enforcement. However, there may be circumstances where the Council can recover the costs associated with formal action.

#### **4. Legal Comments**

4.1 Comments of the Strategy and Partnerships Lead Officer: The principal legal implications are through any enforcement action (see paragraphs 2.18 and 2.52 to 2.56). Enforcement (e.g. EDMOs) is complex and very time consuming. We have very limited staff resources. As a consequence, enforcement will always be a measure of last resort.

#### **5. Links to Corporate Aims**

5.1 This topic relates directly to Aim 1 – Quality Sustainable Growth and Development. Specifically, Objective 1 seeks to increase the number, quality and range of available houses within the Borough, including the highest achievable proportion of affordable housing. Associated Key Activities reference the need to ‘tackle empty homes’.

#### **6. Environmental Implications**

6.1 Potential negative impact on the quality of the built environment if we do not adopt the EHS strategy and commit ourselves to action (see below)

#### **7. Community Safety Implications**

7.1 There are clear benefits to bringing empty homes back into use such as to prevent neglect, blight and vandalism. If we do not do this it will leave us with a legacy of neighbourhoods with deteriorating housing stock for the future which will reduce house prices, impact negatively on the quality of the built environment, and attract crime.

#### **8. Equalities Impact**

- 8.1 An Equality Impact Assessment has been undertaken in support of the development of the draft EHS. This is included at Appendix D. To avoid potential discrimination (particularly relating to age, disability and gender) and to promote equality of opportunity, the EIA identifies a range of actions including monitoring to inform decision making, staff training, ensure effective communications etc
9. **Risk Management** (if appropriate, such as reputational and health and safety risks. If the item the subject of the report has been included in a Service Plan, the result of the risk assessment undertaken when the plan was prepared should be entered here.

*Note: 'After mitigation' is shown in italics*

Description	Likelihood	Impact	Overall
New Homes Bonus may not be maximised due to lack of resources	4	4	16
<i>The newly appointed Empty Property Coordinator is having a positive impact</i>	3	3	9
We may be inefficient in our use of time and resources (and miss out on New Homes Bonus) by concentrating on the 'difficult to shift' empty properties	3	4	12
<i>The Empty Homes Strategy establishes priorities for the type of empty properties to tackled</i>	2	3	6

## 10. Partnership Implications

- 10.1 The collaborative working set out in the report will reduce the risk of a postcode lottery in the way in which owners with empty homes are approached. The report sets out how the local authorities can use limited resources to best effect to tackle the most problematic homes that have been left empty for over six months or more. An example of this is through the work undertaken by the Empty Homes Coordinator whose work is invaluable in Taunton Deane and West Somerset in contacting and signposting empty home owners to agencies who can assist the owner in taking positive action. Another example is the emergence of the New Nuclear project at Hinkley. The funding from the EDFe Section 106 for Sedgemoor and West Somerset has been made available to local authorities for increasing the number of housing bed spaces as a result of potential displacement of local people caused by new Hinkley workers looking for accommodation in the area. Further funding will be made available through the DCO for Sedgemoor, Taunton Deane and West Somerset. It is important to be consistent in how that spending will be achieved. Clear policies and staffing resources for delivery will achieve those aims coupled with close monitoring.

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## Empty Homes Strategy

### Foreword

I have pleasure in introducing the Somerset West Private Sector Housing Partnership's (SWPSHP) Empty Homes Strategy 2015 – 2018.

The SWPSHP is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver private sector housing services. In addition to empty properties, the service also embraces Disabled Facilities Grants, low interest loans for essential repairs, energy efficiency and landlord and tenant services through SWeLT (The Somerset West Landlord and Tenant Services) for instance housing standards and landlord accreditation.

This Strategy sets out a clear direction and action plan for tackling empty properties, which are a blight on our communities, often an eyesore and adversely affect the neighbourhood. The Empty Homes Strategy, alongside the partner Council's Housing Strategies, demonstrates our commitment to providing sustainable and thriving communities across our districts.

It is crucial with the new nuclear project and the development of Hinkley C that working with partners such as EDF we are making best use of the available stock, bringing these valuable properties back into use to house members of our community and Hinkley workers.

The Strategy builds on the work undertaken in the last three years across the three districts to proactively reduce empty properties. It also sets out the partnership's approach and commitment to tackling empty properties. The Councils aim to bring up to 130 empty properties back into general use and 180 for affordable housing over the five year period. This could generate valuable income to the authorities in the form of New Homes Bonus.

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

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Appendix 2: Local Authority Enforcement Powers (Homes from Empty Homes)

Appendix 3: Assistance in the private rented sector

Appendix 4: Case study

## 1.0 Introduction

### Importance to the political agenda in recent years

The coalition Government set out their aim in the Housing Strategy for England (Laying the Foundations: A Housing Strategy for England 2014) to increase the number of empty homes brought back into use as a sustainable way of increasing the overall supply of housing, and to reduce blight on neighbourhoods. The Government made a commitment to put in place the right incentives and levers, both practical and financial to support local authorities, housing providers and community and voluntary groups. An example of this is match funding Council Tax on long-term empties for the following six years.

### Strain of housing demand and how empty homes are a wasted resource

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

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

The basis of the strategy is to focus on the long term empty homes; those properties which have been left empty for six months or more. There is less emphasis on properties empty for less than six months as they have a tendency to be in probate or on the housing market. Registered Social Landlords (RSL's) are outside of the scope of the strategy as RSL's are administrated by the Homes and Communities Agency, and commercial properties are dealt with by the respective district council.

There are various strategic drivers which underpin the strategy; including partner housing strategies. All three Councils recognise these are difficult and unprecedented times with increasing numbers of households seeking decent and affordable housing across the range of tenures. The situation is exacerbated by benefit reforms and, in Sedgemoor and West Somerset in particular, the influx of new workers at Hinkley C who will undoubtedly put further pressure on the local housing market.

It is part of the Council's strategic housing role to make effective use of empty homes. In consequence, the various partner housing strategies include actions on ensuring the most efficient use of housing resources, by bringing empty properties back into occupation.

All three Strategies prioritise improving the standards in the private sector housing stock, especially rented accommodation and all three commit to tackling long-term empty homes.

There are 'income incentives' for local authorities to bring empty homes back into use in the form of the New Homes Bonus and the ability to charge 150% Council Tax for owning a long term empty home. This can be vital to the Council's ability to balance budgets as the General Revenue Support Grant from Central Government is reduced year on year.

There are currently 610,000 empty homes in England with 205,821 long-term vacant dwellings (that is homes unoccupied for over six months); (Homes from Empty Homes 2015). In Somerset there were approximately 2,049 long term empty properties reported in October 2014. At 1.02% of the

total homes, this proportion was marginally below the regional and national averages. The picture since 2004 is:

District	Year										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Mendip	360	461	468	434	486	530	473	445	485	470	439
Sedgemoor	921	989	814	399	473	528	488	415	470	390	277
South Somerset	809	787	905	922	1,138	1,124	1,029	1,103	1,016	470	636
Taunton Deane	292	331	445	395	345	443	540	495	429	428	473
West Somerset	206	248	287	290	295	303	324	239	209	211	224
Totals	2,588	2,816	2,919	2,440	2,737	2,928	2,854	2,697	2,609	1,969	2,049
Total in England	318,642	313,616	314,719	314,285	326,954	316,251	299,999	277,529	254,059	216,050	205,821

- Source: Department for Communities and Local Government; Live tables updated as at 25<sup>th</sup> September 2015

The partnership's Empty Homes Strategy 2015 – 2018 sets out a clear direction and action plan to reduce the number of empty properties, which will help to tackle the issues associated with these properties.

## 2.0 How do homes become empty and remain that way?

One of the commonest questions asked about empty homes is "Why are they empty?" There are many reasons that can vary over time from place to place. The most common reasons are:

Individual factors	Property factors	Housing market factors
<ul style="list-style-type: none"> <li>• Unresolved ownership usually following the death of an owner</li> <li>• Bankruptcy of owner</li> <li>• Relationship breakdown</li> <li>• Owner may be institutionalised – admitted into hospital, prison etc.</li> <li>• Lack of expertise in property and tenancy management</li> <li>• The owner is reluctant to take any action</li> </ul>	<ul style="list-style-type: none"> <li>• The property acquired solely for speculative investment purposes</li> <li>• The owner may not fully appreciate the financial benefits of bringing the empty property back into use</li> <li>• Poor property condition, costs of bringing the property back into use may be prohibitive relative to income generation</li> <li>• Repossession</li> </ul>	<ul style="list-style-type: none"> <li>• Low demand</li> <li>• Housing market collapse – repossession, negative equity</li> <li>• Over supply of certain property types</li> <li>• Area regeneration may result in properties being empty pending renovation or demolition</li> <li>• Slow property sales</li> </ul>

### 3.0 What problems do empty homes cause?

Empty homes can have a negative and sometimes divisive effect on a community. These include:

- Increased dereliction, vandalism, litter and other anti-social behaviour;
- Reduced market values in neighbouring properties, contributing to a spiral of decline;
- Reduced demand for goods and services in the area; and
- Waste of useful and much needed units of accommodation;
- Wasted financial resources for the Council and also for the owners.

### 4.0 The benefits of bringing empty homes into use again

The re-use of empty homes brings financial and social rewards to the Council, private owners and the community in the followings ways:

Council	Community
<ul style="list-style-type: none"><li>• Provides greater housing choice, whether this be through housing sales or rental</li><li>• Improves/restores older buildings and homes to modern standards</li><li>• Provides a range of good quality homes for people in need of rented property</li><li>• Generates additional revenue through Council Tax</li><li>• Prevents properties from falling into disrepair and becoming a focus of vandalism and anti-social behaviour</li><li>• Reduces the need to build new dwellings on Greenfield sites</li></ul>	<ul style="list-style-type: none"><li>• Prevents empty properties becoming the focus of anti-social behaviour</li><li>• Improves market values in neighbouring properties and the local area by reducing a spiral of decline</li></ul>

For the purpose of the strategy, efforts will principally be focused on the problematic properties which are usually those houses which are inactive in the housing market, often in poor condition and empty for six months or more. This definition usually allows enough time for market forces to return an empty home back into use without intervention from an external agency.

### 5.0 How empty homes are brought back into use

The partnership's primary approach in tackling the issue of empty homes is to work with the owners to encourage them to bring the property back into use voluntarily. Partnership staff provide advice and support, on a one-to-one basis, where each case is assessed on its merits. The partnership offers low interest loans through our preferred loan provider Wessex Resolutions CIC. The partnership's

Private Sector Renewal Policy provides more information on the loan types available and the eligibility.

Letting schemes are another option whereby landlords lease properties to a management company for a set period of time. Other offers include a deposit guarantee paid on behalf of the tenants and advice to landlords and tenants on tenancy issues. Social Enterprise -Schemes to provide education, training and employment opportunities in construction skills to vulnerable people are encouraged through organisations involved in the refurbishment of empty property.

Local Authorities can use enforcement action for problematic longer term empties. Such powers include:

- Enforced sale: allows the local authority to force the sale of a property to recover debts. Debts may be secured either against a property or person.
- Compulsory Purchase Order: Allows local authorities to apply to the Secretary of State for the purchase of properties that have been empty for a minimum of 6 months.
- Empty Dwelling Management Orders (EDMO): Allows local authorities to secure occupation and responsible management of privately owned houses and flats.

## **6.0 National and local context**

### National context

Bringing homes back into use links into wider Government objectives including; creating sustainable communities, tackling low demand and market failure, tackling anti-social behaviour, the provision of affordable homes and ensuring that homes meet a decent standard. This is reflected in the Governments document 'Laying the Foundations a Housing Strategy for England 2011 (Strategy 2011).

In May 2010 the Coalition Government set out a commitment to look at a range of measures to bring empty homes back into use. It was recognised that potential empty homes could meet pressing housing need, if brought back into use.

The Government 'are committed to bringing empty homes back into use, as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities.'

Laying the Foundations: A Housing Strategy for England 2011 outlined a number of objectives including:

- Award of the New Homes Bonus to encourage local authorities to increase housing stock;
- Providing information and advice to deal with empty homes, investing £100million to enable Registered Providers to support local authorities to bring over 3,000 empty homes back into use as low cost housing;
- Consultation on Council premium for long term empty homes;

- Proposing changes to EDMO's to tackle the worst long-term empty homes.

#### Housing Act 2004

The Housing Act 2004 provides local authorities with powers to tackle long term empty homes. It introduced Empty Dwelling Management Orders to enable local authorities to take over the rights and responsibilities of the owner and to refurbish and rent out the property without becoming the legal owner.

The Act also introduced the Housing Health & Safety Rating System (HHSRS) to assess hazards in dwellings and a new power of selective licensing to target areas suffering from low demand and/or high levels of anti-social behaviour.

#### Local Government Act 2003

This legislation allows information to be obtained from council tax records to be used for;

- a) Identifying vacant dwellings;
- b) Taking steps to bring vacant dwellings back into use.

The Act also allows local authorities to reduce or remove entirely discounts for homes that have been empty for over 6 months.

#### Council Tax reform

Recent reforms of the council tax legislation gave discretion over the relief from council tax available in respect to some empty properties.

- Replacing exemption Class A and exemption Class C with discounts, the amount of which would be for billing authorities to determine.
- Abolishing class L exemption and making mortgagees in possession of empty dwellings liable to council tax in respect of them.
- Allowing billing authorities to levy an 'empty homes premium.'

#### National Planning Policy Framework 2012

The National Planning Policy Framework 2012 states that "Local planning authorities should identify and bring back into residential use, empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate."

## Empty Homes - Local context

The partnership covers the Districts of Sedgemoor, Taunton Deane and West Somerset, which is approximately 1,805 square kilometres with an estimated population of approximately 258,379. The partnership area is a mixture of urban and rural hamlets. There are various market towns including the County town of Taunton, Bridgwater, Wellington, as well as coastal towns such as Burnham on Sea and Minehead. Exmoor National Park provides a large rural location with small hamlets such as Porlock and Timberscombe. Sedgemoor accommodates 21% of the population of Somerset, West Somerset is the smallest district council in Somerset and according to the Office for National Statistics 2014, has the oldest average population in the United Kingdom at 52. The average house price was £180,000 as at 2014.

Table One below shows the partner Councils' empty homes statistics as at October 2014 for the Council Tax (CTB1) return to central government:

Table One: CTB1 Return for each partner Council, October 2015 excluding Council owned properties

Council	Total private sector dwellings	Total number of empty homes	Percentage of empty homes	Number of homes empty six months or more	Percentage of homes empty six months or more #
Sedgemoor District Council	48,000 (At 2012)	1336	2.78%	209	15.64%
Taunton Deane Borough Council	51,153	1,378	2.69%	464	33.67%
West Somerset Council	17,739	350	1.97%	202	57.71%

# Number of homes empty six months or more compared to overall empty homes expressed as a percentage.



## 7.0 Delivery of the Strategy

### 7.1 Aim

The aim of the strategy is to bring empty homes back into use. To achieve this we have identified two key approaches:

- To provide encouragement and support to owners of empty homes to bring them back into use; and
- To use appropriate enforcement action.

To achieve the aim, the partnership will take into account the following key elements:

- The length of time the property has been empty, with officers focusing on those empty for more than 6 months;
- If the property is having a negative impact on the area; and
- If the owner is taking steps to deal with the problems and return the property back into occupation.

As mentioned in 2.0 above, there are many reasons why properties become empty. It is important therefore, for the partnership to be able to offer solutions to suit the individual circumstances. This flexible approach is shown in the procedure flow chart for dealing with empty homes – see appendix 2. Initially advice will be provided prior to taking enforcement action unless there is a serious safety issue.

7.2 First Approach: To provide encouragement and support to owners of empty homes to bring them back into use

- Knowledge of empty homes

The partnership may become aware of the existence of empty homes through various routes including:

- ✓ Council tax records;
- ✓ Complaints usually from residents;
- ✓ Residents associations active in an area;
- ✓ Council Officers working in the partnership area; and/or
- ✓ Owners/landlords requesting help or advice.

It is essential to maintain a good knowledge of the location and type of empty homes in the area. Whilst the partner Council's use the council tax records to update information held on problematic properties, the partnership recognise that these may not be fully precise enough for the purpose. The partnership will use the APP database to register empty homes against which partnership

Officers are taking action. This enables officers to keep up to date records of the property and possible reasons why the property is empty and of works being undertaken.

- Awareness raising

It is appreciated that there is a need to raise awareness of issues and problems associated with long-term empty homes and provide more publicity about the strategy and our approach to tackling empty homes.

Through raising awareness and encouraging home owners to think about the future of their empty properties the partnership will seek to ensure that home owners make decisions leading to the re-use of the property rather than leaving them empty.

- Advice and assistance

Where owners of long term empty homes ask for help, officers will provide advice and assistance.

The partnership maintains a comprehensive section on the website [www.SWPSHP.org](http://www.SWPSHP.org) for issues relating to housing. The site is updated with changes in legislation, topical issues and has direct links to specialist sites. Additional and relevant information concerning empty homes will be posted on the web page and kept updated.

Officers currently write to owners of empty homes which have been included on our database as being the subject of complaint and offer appropriate advice and assistance. Taunton Deane and West Somerset are currently sending out a questionnaire to all owners of long term vacant homes to find out what the owner's intentions are so that advice can be suitable to the issues facing them.

In some cases owners are not able to deal with the property and the partnership will provide advice to help owners to sell their properties. In particular where the owner wishes, they can be referred to Sedgemoor or West Somerset's preferred provider for them to improve and manage the property on the owners' behalf. The empty homes service that is provided will be actively promoted through various media including the landlords' forums, and the database of accredited landlords.

Where an owner requires assistance in finding building contractors that meet minimum legal standards, the partnership can provide advice through the Home Improvement Agency.

7.3 Second Approach: To use appropriate enforcement action to bring empty homes back into use.

Whilst, whenever possible, voluntary measures will be used to encourage owners to bring properties back into use, it must be recognised that in some cases owners will refuse to co-operate and enforcement action will be necessary.

The statutory action that can be taken will depend upon the condition and location of a property and the circumstances of the owner. Properties in a poor condition which are a hazard to the health and safety of the public will be a priority for enforcement action.

The available options for enforcement are:

- Building Act 1984 Section 77
- Building Act 1984 Section 78
- Building Act 1984 Section 79
- Environmental Protection Act 1990 Sections 78-81
- Housing Act 1985 Section 17
- Housing Act 1985 Part 9
- Housing Act 2004 Part 1
- Housing Act 2004 Section 132-138
- Law of Property Act 1925
- Council Tax (Administration and Enforcement) Regulations 1992
- Local Government (Miscellaneous Provisions) Act 1982 Section 29
- Town and Country Planning Act 1990 Section 215
- Town & Country Planning Act 1990 Section 226 (as amended by Section 99 Planning and Compulsory Act 2004)

More details on the legislation can be found in Appendix 2.

- Longer Term Empty Homes

It is important that the partnership distinguishes that the properties that have been empty for two years or more are targeted as these properties are most likely to lead to a complaint from neighbours and the community, in disrepair and attracting anti-social behaviour.

The partnership aims to make contact with all owners of empty homes, empty for 2 years or more and write to them indicating any issues or complaints and providing advice in bringing their property back into use. It is however acknowledged that if a home owner has refused to engage with the Council in the preceding 2 years then it is very unlikely that they will accept advice and return their empty property back into use. It is therefore anticipated that in these circumstances, enforcement action under the relevant legislation outlined above will be taken.

## 7.4 Resources

- Staff

The key resource available to deliver the strategy is staff within the partnership. The lead positions and staffing levels are indicated in the action plan. The overall responsibility for overseeing the implementation of the strategy will be the Partnership Manager.

- Budget

Staff time will be met from the Revenue budget. The three partner Councils are offering various forms of financial assistance and these are listed in the table below.

Assistance type	Council		
	Sedgemoor	Taunton Deane	West Somerset
New Homes Bonus Loan: A loan up to £30,000 from 0% - 4%	✓	X	X
Loan up to £15,000 at 4%	✓	✓	✓
Non-Means tested grant of up to £15,000	✓	X	✓
Low interest loan of up to £30,000 at 4%	✓	X	✓
Living over the shops grant up to £15,000	✓	X	✓
Voluntary Landlord Accreditation Scheme grant	✓	X	✓

The majority of the assistance types are being supported by the Section 106 funds provided by EDFe as part of the Hinkley Power Station construction project.

As highlighted in the action plan the Council will wherever possible seek to work in partnership with appropriate agencies to maximise knowledge and capability. Where opportunities arise the partnership will seek to establish appropriate partnerships and make funding bids. The use of funding through EDFe, as part of the section 106 planning agreement, is a good example .

Where significant financial resources are required or compulsory purchase/enforced sale are recommended by officers then the case will be reported through the relevant council's financial mechanism's and Portfolio Holder for authorisation. As it can be costly to take action, whether by default or legal proceedings, council's will seek to keep costs to a minimum level and reclaim costs incurred from home owners.

## 7.5 Monitoring and Review

The partnership monitors the number of private sector empty homes that are brought back into use or demolished during the year as a direct result of action by the Local Authority.

Council	Number of empty homes brought back into use by year			
	2012/13	2013/14	2014/15	2015/16 (estimated)
Sedgemoor District Council	55	45	40	40
Taunton Deane Borough Council	55	38	35	30
West Somerset Council	55	354	40	20

The Council identifies the need to consider empty homes in the form of those empty for more than 6 months and longer term empty homes which have been vacant for more than 2 years.

The partnership aims to bring 130 empty properties back into use each year over the next 3 years. 50 in Sedgemoor, 50 in Taunton Deane and 30 in West Somerset. These targets will contribute to the Council's overall CTB1 returns. The methods to achieve the targets will be a mixture of advice and financial incentives as listed in 7.4 above.

Progress against targets is reported within the SWeLT meetings and through the partnership's monitoring system Covalent.

This strategy will be reviewed after 12 months to ensure that the approach and policies adopted are appropriate. A full review leading to the production of a new strategy will be undertaken in 2018.

Appendix 1

ACTION PLANS

**1. Encourage owners to bring empty homes back into use**

Action	Target date	Lead section	Resources	Measurable outcome
Maintain an accurate database of empty homes	Ongoing	Partnership	Excel database/Accreditation Coordinator	Successful CB1 return in October of each year.
Hold publicity campaigns to promote available services	Annually; July to August	Partnership	Officer time and funding	Annual checks to ensure information is accurate and useful
Develop a procedure for dealing with empty homes	March 2016	Partnership	Officer time - Partnership Manager/Strategy and Development	Adoption of procedure
Bring 130 empty homes back into use annually through advice and assistance; <ul style="list-style-type: none"> <li>• 50 in SDC</li> <li>• 50 in TDBC</li> <li>• 30 in WSC</li> </ul>	31 <sup>st</sup> October every year	Partnership	Officer time and financial assistance in the form of capital – Partnership staff and Council Tax	Annually reduce the number of empty homes.

## 2. Bring problematic empty homes back into use through enforcement action

Action	Target date	Lead section	Resources	Measurable outcome
Adopt the Partnership Empty Property Enforcement Policy	April 2016	Partnership	Existing procedure  Input from officers of the Partnership and other services/agencies	Create procedure and adopt policy
Identify problematic empty homes for appropriate enforcement action	Ongoing	Partnership	Officer time – close working with internal departments, database analysis and street surveys.	Six-monthly review
Set up procedure and template documents for CPO, EDMO and enforced sale	May 2016	Partnership	Officer time - Partnership and Partnership Manager	Confirm with District Solicitors. Adoption of procedure
Establish a working group with other relevant departments to oversee the enforcement action	May 2016	Partnership	Officer time – Partnership and Partnership Manager along with Officers from other relevant services	Check progress annually

**3. Devise and explore new and innovative ways to bring empty homes back into use and increase the housing options across the three Districts.**

Action	Target date	Lead section	Resources	Measurable outcome
Explore other solutions and set up relevant policies	Ongoing	Partnership	Officer time – Partnership and Partnership Manager along with Officers from other relevant services	Implement and monitor each scheme throughout its duration in line with the new policy.
To promote options available for bringing empty homes back into use	Ongoing	Partnership	Officer time – Council Press Officers and funding	Two landlord events per year and website advert every six months
Review the current Grant Policy for empty homes		Partnership, Partnership Manager and Implementation Officers for Sedgemoor and West Somerset	Officer time – current policy	Review, amend the current policy to include the EDFe project.



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

Action	Target date	Lead section	Resources	Measurable outcome
Create a communication channel with relevant departments and external bodies	Ongoing	Partnership Manager	Officer time – Partnership and Partnership Manager along with officers from other relevant services	Agree periodic referrals with four meetings per year
Develop a protocol for a referral mechanism		Partnership	Officer time – Partnership and Partnership Manager along with Officers from within the Councils and relevant agencies	Agreed protocol
Set up a proactive program to help identify empty homes		Partnership staff	Officer time – current policy	Monitor additional properties identified every six months
Undertake a foot survey of empty homes in the districts		Partnership	Officer time – Partnership staff	Once a year

## Appendix 2

### Enforcement Powers

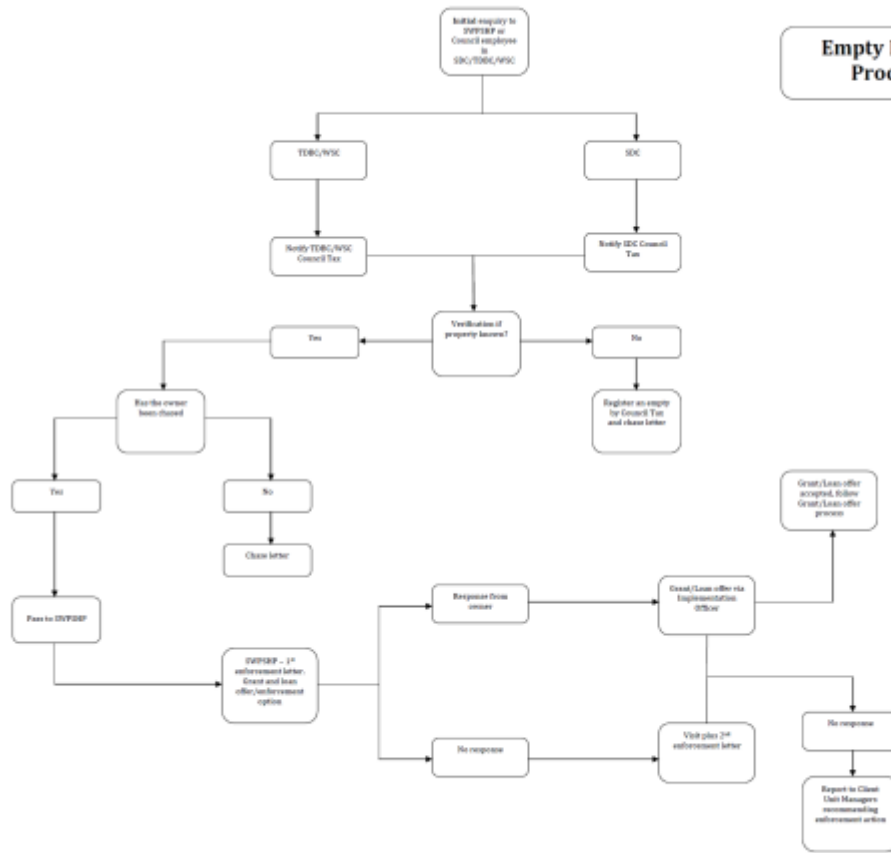
- Building Act 1984 Section 77 – enables the council to deal with buildings that it considers to be dangerous. It can apply to a Magistrate’s Court for an order requiring the owner to make the building safe or demolish it.
- Building Act 1984 Section 78 – allows the council to deal with buildings that pose an immediate danger. This emergency measure allows the local authority to carry out remedial works itself without the duty to seek permission from the owner. The council is only entitled to carry out works that remove the danger.
- Building Act 1984 Section 79 – This empowers the council to deal with ruinous and dilapidated buildings or structures and neglected sites and if necessary carry out work in default.
- Environmental Protection Act 1990 Sections 78-81 – allows the council to require the abatement of statutory nuisances. The term statutory nuisance applies to a range of problems that might arise from empty homes, including accumulations of rubbish or dampness affecting neighbouring properties. The council can serve an abatement notice on the owner of the premises requiring works to abate the nuisance and if the notice is not complied with can carry out works in default.
- Housing Act 1985 Section 17 – allows the council to acquire under-used or ineffectively used property/land etc. for residential purposes if there is a general housing need in the area through compulsory purchase.
- Compulsory Purchase is perhaps the strongest power available to tackle empty homes. It is not, however, a power that rests with the council and it must apply to the Secretary of State for an order to be made. The whole process is drawn out, complex and resource intensive as the council will need to demonstrate that there is a compelling case in the public interest for the property to be compulsorily purchased, and that other methods of returning the property to use have been tried and have failed. In addition, the council will need to show that it has clear intentions for the use of the property/land and be able to show that it has the necessary resources available to go through with the Compulsory Purchase Order. This means that compulsory purchase will be a method of last resort.
- Housing Act 1985 Part 9 – gives the council powers to make Demolition Orders and Slum Clearance Areas to require the demolition of individual or groups of unsafe houses where that is the most satisfactory course of action.
- Housing Act 2004 Part 1 – requires the council to serve a notice to deal with category one hazards to which a member of the public may be exposed to.
- Housing Act 2004 Section 132 – 138 – allows the council to take over the management of an empty home, undertake works, let out the property and collect rent. The council must notify

the owners of its proposal and try to work voluntarily to find an acceptable solution. Only if no agreement can be reached can the council seek approval to make an Interim Empty Dwelling Management Order initially for 12 months. If agreement is still not possible, a final order, which can last for 7 years, can be made. The process is time consuming and will require the council to prepare a plan as to how it intends to manage any property throughout the duration of the Order.

The council will develop a process for using such orders and consult with partners to determine the most practical way of carrying out and delivering the management of a scheme. It is anticipated that providers will competitively tender to manage such properties on a one to one basis ensuring value for money in terms of management costs and that any particular issues with the property are considered on an individual basis.

- Law of Property Act 1925 – the council can force the sale of an empty property where abatement notices have been served and the work has been carried out in default by the council. An enforced sale can only be pursued if the cost of the default works is comparable with the market value of the property.
- Council tax (Administration and Enforcement) Regulations 1992 – the council can also force the sale of an empty home where council tax debt is owed. The council can apply for a charging order then force the sale of the property to recover the debt.
- Local Government (Miscellaneous Provisions) Act 1982 Section 29 – allows the council to carry out works to an unoccupied building to prevent unauthorised entry or to prevent it from becoming a danger to public health. 48 hours' notice is needed unless the works are required immediately.
- Town and Country Planning Act 1990 Section 215 – allows the council to deal with unsightly land or the external appearance of property.
- Town and Country Planning Act 1990 Section 226 (as amended by Section 99 Planning and Compulsory Act 2004) - allows the council to acquire land or buildings if acquisition will allow improvements or redevelopment to take place provided the improvement, development, or redevelopment will contribute to the promotion or improvement or economic, social or environmental wellbeing. This power can be used to acquire empty properties that adversely affect the street scene because of the dilapidated condition.

## Empty Homes Process



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## Appendix 3

### Assistance Within The Private Rented Sector

The Private Sector Housing Renewal Policy aims to assist across all tenures within the partnership area. This includes services relating to empty properties, housing standards and the Voluntary Landlord Accreditation Scheme.

There is going to be an increased pressure on the availability of quality rented properties with the emergence of the Hinkley Power station construction project. A certain number of the construction workers will be housed in temporary accommodation or campuses. The remainder will be housed in the private rented sector, predominantly in Sedgemoor and West Somerset. This may cause a displacement of existing tenants in those areas into Taunton Deane which currently has limited capacity for additional tenancies. This will be felt over the next two years as the construction begins.

The partner Councils have made provision in the policy to provide for a contribution towards the 1,742 bed spaces required by EDFe and to maintain the existing stock.

#### a) Advice

Somerset West Lettings and Tenancies Services (SWeLT) provides a comprehensive advice service to landlords and tenants in the private rented sector. An important part of this role is the dissemination of information to new and existing landlords on the current housing legislation and minimum standards. Privately rented accommodation provides homes for many residents who are unable, or choose not to enter into social housing or owner occupation. It is therefore essential to work with landlords to ensure the accommodation does not pose a health risk to the occupiers.

#### b) Accredited Landlords in Somerset Scheme

The Accredited Landlords in Somerset Scheme plays a vital part in maintaining standards in the private rented sector and encourages landlords to understand the management regulations in respect of private sector renting. It is a voluntary self-certifying scheme aimed at encouraging landlords to comply with the Decent Homes Standard. It also recognises and awards good management. In return Landlords receive:

- A Membership certificate indicating that their property is up to the Accredited standard
- Use of the Accredited logo to use on tenancy agreements, letter heads, empty let adverts etc.
- Access to the Bond Guarantee Scheme
- Access to a Management Service
- An offer of tenants from the Housing Needs Register
- Advertising empty lets on the Somerset Homelets Website, a new website set up between the three partner Council's and North Somerset Council dedicated to advertising private sector lets

- Support and advice from the partner agencies in SWeLT, such as on management, which is above that provided for landlords outside of the scheme
- Small grant incentives to help with minor decent homes upgrades
- Low cost loans offered by Wessex Home Improvement Loans up to £15k
- A website which provides up to date legislation and information for landlords
- Regular email updates keeping landlords informed

These are examples of just some of the offers which landlords receive. The advantages of Accreditation for the partnership is the safe knowledge that tenants from the Housing Needs Register are going to be housed in good quality, well managed accommodation. The support which Accreditation offers will also reduce the risk of tenants being evicted as safeguards will be in place to improve the relationships and understandings between landlords and tenants.

#### c) Enforcement

The partnership has duties under the Housing Act 2004 to take action on properties with serious hazards (Category One) and license certain types of Houses in Multiple Occupation. A copy of the Enforcement Policy can be provided on request. On average the team receive over 200 complaints a year on housing conditions. The complaints initially come through the SWeLT telephone number and are then allocated to the Officers in the Housing Standards Team.

#### d) Empty Properties

The partnership has an aim to bring back into use empty properties. The partnership has an agreed target set by the partner Councils. The partnership contributes to the Council's general aims for access and choice in housing which can be summarised as;

“To continually assess housing and support needs across all tenures, ensuring there are enough homes to meet demand now and in the future; and to provide a high quality housing service to minimise homelessness.”

Unused properties within the district are a valuable resource; the partnership will work within the guidance of the Empty Homes Procedures and in conjunction with private sector landlords and Registered Partners (Social Landlords) to provide much needed affordable housing for our local residents. There are many households seeking this accommodation type.

The policy provides for the following assistance;

- Sedgemoor District Council area; a loan of up to £30,000 with varying interest rates from 0% – 4% to encourage landlords to bring their properties back into use, maximising the number of units within the property and taking people from the Council's Housing Needs Register. This type of assistance is called the New Homes Bonus loan as the funds to operate the scheme are from Sedgemoor's New Homes Bonus award. The New Homes Bonus is a grant

given to a Council each year as an award for the number of new build and empty homes brought back into use.

- Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council; a loan of up to £15,000 fixed at 4% to encourage landlords to bring their properties back into use. A condition of the loan is to take people from the Council's Housing Needs Register. The only down side of this scheme is there is no mechanism to encourage the maximisation of units within the property.

All the loan products are dependent on the landlords' track record, and how the property is to be let.

On completion of the loan, the newly created accommodation must comply with the Decent Homes Standard.

In addition, via funding from the Section 106 Agreement for the Hinkley project, Sedgemoor and West Somerset are offering the following products for empty properties in the priority areas;

- A non-means tested grant of up to £15,000 towards the cost of eligible works to bring an empty property back into use.
- A low interest loan of up to £30,000 at 4% through the Council's preferred loan provider Wessex Home Improvement loans.

The grant is subject to the conditions that the owner works with our nominated Partner Agency who will manage the property on a minimum seven year leasing agreement. The terms and conditions of which will be determined between the landlord and the Partner Agency. The Council would also look to foster relationships between the landlord, Partner Agency and other agencies such as the Probation service as part of a social enterprise project. This would involve ex-offenders assisting with the refurbishment of the properties and their time managed by the agencies. The property will also be accredited.

- Living Over the Shops grant of up to £15,000. The grant is aimed at owners of empty flats above shops as an incentive to assist towards essential repairs to bring the flat up to a decent standard to rent. Many of the empty flats are in key areas of the high street, and with a little assistance would improve the street scene.

#### e) Financial Assistance to Landlords

The Voluntary Landlord Accreditation Scheme offers small grants to landlords to help bring their properties up to the minimum Decent Homes standard. The grant is subject to availability and is capped at £1,000 per landlord for each district.

The Loan product from Wessex Home Improvement Loans is available from £1k to £15k at an interest rate of 4% which is a competitive rate compared to high street rates. In addition;

- There is no arrangement fees
- There is a fixed one off £40 Land Registry Fee
- There is no early repayment charges

## Appendix 4

### Case Study

An empty property was creating problems for neighbours. The house had been lying empty for at least two years after being inherited. The owner was not living on the premises and the property fell into disrepair. The Council was alerted and made aware of the problems the house was creating for the neighbours.

The garden was badly overgrown and the house was insecure. The officer contacted the owner and, through liaison with the team arranged for security fencing and garden clearance. The owner agreed the property should be sold and estate agents were appointed. Contracts were exchanged and the new owners renovated the property.

The Council monitored the house and kept in close touch with the owners and agents to ensure the property could be brought back into use to the satisfaction of all concerned. Importantly, neighbours were delighted with the outcome. The Council received additional New Homes Bonus.



## APPENDIX B



# Hinkley Point C: Housing Funding Strategy (EXTRACT ONLY)

## Proposal by Taunton Deane Borough Council

### Development Consent Obligations pursuant to S106

#### Purpose of Proposal:

**The Housing Fund** of £660,824 was secured to provide financial support for initiatives designed to deliver additional housing capacity within Taunton Deane in order to mitigate any potential adverse effects on the local private rented and low cost housing market that might arise from the Hinkley Point C (HPC) development. The fund is provided under the Section 106 Agreement in relation to the Deed of Development Consent Obligations (DCO). There is the opportunity for a further £5m (amongst North Somerset, Taunton Deane, Sedgemoor and West Somerset) from the Housing Fund Contingency Payments should it be evident that the private rented sector thresholds have been exceeded by unanticipated demand from the HPC workforce for accommodation and/or unanticipated negative impacts on the housing supply.

Taunton Deane Borough Council (TDBC) has been working together with Sedgemoor District Council (SDC) and West Somerset District Council (WSDC) to agree initial principles and the general shape of the utilisation of the Housing Fund for specific initiatives to mitigate the impact of the HPC development on accommodation in the districts. A range of inter-dependant initiatives has been developed, designed to alleviate pressures on all sectors of the local housing markets.

The estimated costs may vary as the initiatives are progressed, and other bids will be made, jointly and separately, as further proposals are developed

## Hinkley Point C DCO Housing Fund - Summary of Costs of Proposals

Initiative	What it is?	Total no of b/s over 2 yrs	Costs over 2 years	Cost per b/s	Other resources
Landlord & Tenant Services  S106 Initiatives: 2.2.1; 2.2.2; 2.2.4;	1. Somerset Homelet	-	£10,700	-	HPC to fund £4,000
	2. Flexible Rent Support (must be supported by ALiS)	50 b/s	£70,000	£1,400	Current District schemes; HB; LHA; DHP
	3. Minor Improvements Fund - including	30 b/s	£185,000	Approx. £1,400	Recyclable loans; WHIL Loan Pot
	4. Rent a Room Scheme	100 b/s			
	6. Sustainable Management Service	60 b/s	£50,000	Approx. £1,800	TAH, Chapter 1
	7. Tenant Ready Scheme	40 tenants	£30,000	£750 per tenant	YMCA, Hsg Options; Probation; TAH
<b>Landlord &amp; Tenant Total</b>		<b>240</b>	<b>£345,700</b>		
Empty Property Regeneration S106:2.2.3, 2.2.9	8. Empty Homes Grant	6 properties ie 15 b/s	£90,000	£6,000	HCA NEHP funding;
	9. DIY Empty Homes Loans	5 properties ie 12 b/s	£112,000	Approx. £9,000	WHIL Recyclable loans
<b>Empty Property Regeneration Total</b>		<b>27</b>	<b>£202,000</b>		
Equity Loans; S106: 2.2.6	10. WHIL First Time Buyer Loans for Tenants	5 properties ie 12 b/s	£50,000	Approx. £4,000	Personal Savings; Recyclable loans;
<b>Equity Loans Total</b>		<b>12</b>	<b>£50,000</b>		
<b>OVERALL PRIVATE SECTOR TOTAL</b>		<b>279</b>	<b>£597,700</b>		
Council Housing Officers S106 2.2.12	13. Housing Implementations Officer (HIO)	-	£60,000	-	
<b>OVERALL TOTAL</b>			<b>£657,700</b>		

### 1. Background:

- 1.1 **The Housing Fund** of £660,824 was secured to provide financial support for initiatives designed to deliver additional housing capacity in order to **mitigate any potential adverse effects** on the local private rented and low cost housing market that might arise from the HPC development.
- 1.2 The fund will be paid to TDBC for use by TDBC under the Section 106 Agreement in relation to the **DCO**. The S106 Agreement also sets out a framework of the types of initiatives eligible for funding
- 1.3 The following initiatives have been developed in partnership with SDC and WSDC and were developed in consultation with Somerset West Private Sector Housing Partnership (SWPSHP), Somerset West Landlord & Tenant Services (SWELT), private sector landlords and TDBC's Affordable Housing Development Partnership.

<b>Total</b>	<b>240</b>	<b>£345,700</b>			
<b>EMPTY PROPERTY REGENERATION</b> – Key principle of bringing empty properties back into use in the HPC priority areas <b>S106 initiatives: 2.2.3</b>	<b>Total Bedspaces over 2 years</b>	<b>Costs over 2 years</b>	<b>Cost per b/s</b>	<b>Other resource</b>	<b>Delivery</b>
<b>Empty Property Regeneration</b> tends to be very time and resource intensive and is focused on long term empty (LTE) properties of 6 months and above.					
<b>3. Empty Homes Grant</b> For long term empty properties (over 6 months) at up to £15,000 per property to underwrite a Somerset Care & Repair (SC&R) scheme. This project builds on the success of the existing well-developed Empty Property Strategy. The proposal is to work in partnership with SC&R to provide a management service and bring empty properties back into use with sustainable tenancies. SC&R have an established track record of delivery in neighbouring districts (Mendip and South Somerset). Financing of the works is made up of 3 elements: HCA loan, owner's contribution and District grant where applicable. The HCA funds are loaned to the owner as an interest free loan and repaid by the owners through the rental income. The funding is recycled over time to bring additional homes back into use, but the pot depreciates by 15% (through fees) each time. Properties are leased to SC&R and fully managed on a 7- 15 year lease agreement. The scheme requires access to a £15,000 grant to be used where the total cost of the scheme exceeds the HCA loan and owner contribution, or for those developments where there is potential for conversion to maximise bed spaces. SC&R has submitted a separate bid to the HCA to cover the Loan element of the financing, which if successful will provide sufficient funds to offer an average loan of £11,000 per property, or to also purchase those empty homes which require substantial renovation.	<b>15 b/s</b> (6 properties)	<b>Total: £90,000</b> (6x £15,000)	£6,000	HCA NEHP funding of approximately £1.4 million;	SC&R

<p>The estimates are conservative and projected numbers will substantially increase if the HCA funding is successful by funding additional loans, and the option to purchase empty homes. SC&amp;R would provide high levels of tenancy support including assistance with managing budgets to ensure tenancy sustainment. The properties could be used to address a range of housing needs in the area for specific groups, including move on accommodation from supported housing projects, housing of specific groups such as ex-offenders as well as individuals on the housing waiting list.</p>					
<p>4. <b>DIY Empty Homes Loans</b> Ideal for empty homes owners wishing to undertake independent works of SC&amp;R. Provision of an enhanced WHIL loan of £30K loan @ 4% for each property, to bring the property back into use.</p>	<p>12 b/s (5 properties)</p>	<p><b>Total:</b> <b>£112,000</b> (5 x £30,000) - £38,000</p>	<p>Approx £9,000</p>	<p>WHIL Loan Pot of £38,000</p>	<p>SWPSHP; WHIL</p>
<p><b>Total</b></p>	<p><b>27</b></p>	<p><b>£202,000</b></p>			



## Job Description

## Appendix C

**Job Title:** Empty Property Co-ordinator

**Hours of Work:** 3 days per week

**Contract:** Fixed term for 12 months

**Responsible to:** Revenue & Benefits Performance Manager

**Responsible for:**

Delivery of interventions to bring empty properties back into use that will have a direct impact on the New Homes Bonus.

**Key Responsibilities:**

- Create/ run the monthly report in order to obtain information on empty properties across both the District Councils.
- Update, monitor and review the Empty Property Database regularly by:
  - Identifying and resolving discrepancies on the Database.
  - Validating and verifying all entries on the Database, seeking to be proactive and utilising the expertise of Critical Partners such as: Legal, Planning, Environmental Health, Housing, Valuation/ Estates, Town Centre Management, Finance, local Letting Agents, Housing Associations and Councillors.
  - Validation and verification through site visits by Critical Partners, surveys and gathering of information about the properties and the reasons it remains empty.
- Initiate and maintain contact with Empty Property owners/ agents/ developers, providing information, advice and guidance when sought, either independently or through Critical Partners.
  - The advice, assistance and information should include methods to bring them back into use independently or through the expertise of Critical Partners.
- To deal with enquiries and complaints concerning potential empty properties from the public and where necessary, refer them to the appropriate Critical Partner/ organisation.
- To seek from Critical Partners and to assist in developing and implementing innovative and creative solutions and best practice to firstly, reduce the numbers on the database and secondly, to effectively bring empty properties back into use.

- To be aware of, and to assist owners in accessing funding opportunities in order to maximise financial resources available to enable properties to be brought back into use.
- Engage effectively Critical Partners, establishing positive relationships and securing active involvement and ongoing support.
  - To continually update the list of Critical Partners.
  - To arrange monthly meetings with Critical Partners in order to establish a 'one team' approach.
- Liaise with and work co-operatively with Hinkley funded Housing Implementations Officer and the agencies.
- Maintain accurate records, undertake statistical analysis and provide satisfactory data for the completion of government returns.
- Contribute to the setting of the targets for the number of empty properties brought back into use each year, and ensure these targets are achieved.
- Assist and contribute to the refresh of the Empty Property Strategy.
- To improve on the Empty Property Database accordingly.
- To undertake appropriate training as required, and maintain a knowledge of current housing and empty property legislation/ guidance sufficient to undertake duties and responsibilities of the post.
- Ability to monitor own caseload, work to and deliver on targets, assessing and reviewing own workload priorities.
- Discharge other reasonable duties appropriate to the appointment and grading of the post.

## **APPENDIX D**

### **EQUALITY IMPACT ASSESSMENTS**

- **Empty Homes Strategy**

## Equality Impact Assessment – Empty Homes Strategy

Responsible person	<i>Christian Trevelyan</i>	Job Title: Partnership Manager – Somerset West Private Sector Housing Partnership
Why are you completing the Equality Impact Assessment? (Please mark as appropriate)	Proposed new policy or service	
	Change to Policy or Service	√
	Budget/Financial decision – MTFP	
	Part of timetable	
What are you completing the Equality Impact Assessment on (which policy, service, MTFP proposal)	The Council has reviewed and updated the Empty Homes Strategy.	
<b>Section One – Scope of the assessment</b>		
What are the main purposes/aims of the policy?	<p><i>The strategic objectives of private sector housing work are to: improve the health and wellbeing of vulnerable people; reduce fuel poverty; bring empty properties back into use; increase the supply and affordability of good quality private rented accommodation; reduce the number of households with preventable ill health and housing inequalities; improve housing conditions; deal with inadequate energy efficiency and carbon emissions ratings; and ensure local people have sufficient choices of housing to meet their needs, at a standard and price they can afford, where they want to live.</i></p> <p><i>The Strategy aims to fulfil the Council’s strategic housing role in tackling empty homes and making effective use of them to meet housing need. The strategy sets out the various tools available to the Council to enable this to happen, such as informal advice, financial incentives in the form of low interest loans and through enforcement.</i></p>	
Which protected groups are targeted by the policy?	<p><i>The Strategy is primarily aimed at owners of empty homes and prospective purchasers. It may also be useful to tenants or prospective tenants who are considering renting from a landlord who has brought the property back into use or is considering purchasing one. An owner of an empty home or tenant could be anyone of the protected groups including: Age; Disability. Gender Reassignment; Pregnancy and Maternity; Race; Religion or belief; Sex; Sexual Orientation; Marriage and civil partnership.</i></p>	
What evidence has been used in the assessment - data, engagement	<p>Evidence and Data used for assessment</p> <ul style="list-style-type: none"> <li>• Private Sector housing staff performance data</li> <li>• Joint Strategic Needs Assessment 2013/14</li> </ul>	



undertaken – please list each source that has been used

- CTB1 returns to Central Government
- ONS data 2014.

The information can be found on....

The Joint Strategic Needs Assessment (JSNA) was updated for Somerset in 2014. The JSNA sets out the demographics of the population in Somerset and by district level. The data includes information around the housing stock and tenure.

Homes from Empty Homes 2015 states that there are 610,000 empty homes in England with 205,821 long-term vacant dwellings. In Somerset there were 2,049 long term empty homes recorded in October 2014. At 1.02% of the total homes, this proportion was marginally lower than the regional and national averages. Taunton Deane recorded the highest number of empties at 473 with Sedgemoor recording 277 and West Somerset 224.

The average house price in Taunton Deane as in 2013 was £174,500 and in West Somerset £175,000. 2.73 per 1,000 households were homeless in Taunton Deane and 2.35 per 1,000 households in West Somerset.

Data suggests that there are approximately 111,660 people aged over 65 resident in Somerset. This is 21% of the County's population. 29.1% are in the West Somerset area and 20% in Taunton Deane, larger than the regional and national average for both districts. 47.3% of residents living in Minehead are over 65 and 34.6% of the population in Taunton are aged over 65. The number of older people in the Housing Market Area is expected to increase by 41.1% in the next 20 years in Taunton and by 36% in West Somerset. The Sustainable Community Strategy underlines the housing and support needs of Taunton's older population. It states that Taunton Deane has a higher than average dependency ratio due to there being proportionately more pensioners, and fewer 15 - 44 year olds. The dependency ratio is a measure of the proportion of a population who are too young or too old to work. A rising dependency ratio is a concern in Taunton Deane and West Somerset both facing an ageing population, since it becomes difficult for pension and social security systems to provide for a significantly older, non-working population. In West Somerset the ratio of older people to younger persons is proportionally higher than the national average. This means that there is very little house movement with households staying put. Proportionally, there is a higher number of single young persons than young households, which are seeking single bedroom accommodation. There will also be increased demand from Hinkley workers seeking accommodation during the build of Hinkley C. Funding is being provided by EDFe to mitigate the effects of the influx of workers. The capital will be used to finance the scheme options such as the loans.

**Section two – Conclusion drawn** about the impact of service/policy/function/change on different groups highlighting negative impact, unequal outcomes or missed opportunities for promoting equality

***All Groups:***

With limited resources, there is the need to prioritise which empty homes to tackle. There are two key approaches in the strategy:

- To provide encouragement and support to owners of empty homes to bring them back into use; and
- To use appropriate enforcement action.

To achieve the aim, the Partnership will take into account the following key elements:

- The length of time the property has been empty, with officers focusing on those empty for more than 6 months;
- If the property is having a negative impact on the area; and
- If the owner is taking steps to deal with the problems and return the property back into occupation.

It is hoped that most engagement will be made through the informal approach. This will provide a flexible approach to finding solutions to meet individual circumstances. Examples include advice, financial assistance in the form of a loan or possibility of a management solution should the owner not want to manage the property themselves. The Partnership will recognise properties through council tax records, raising awareness, approaches by the owners for advice or assistance and through complaints by neighbours.

The method should ensure consistency across all protected groups as the focus is on the property being empty and the individual's circumstances are not known. Language barriers can be overcome through an interpreter if requested and literature is offered in braille.

The solutions are designed to achieve positive outcomes for owners as it is in everyone's interest to bring the property back into use to prevent neglect, blight and vandalism. If we do not do this it will leave us with a legacy of neighbourhoods with deteriorating housing stock for the future which will reduce house prices and attract crime. With a shortage of available affordable homes, it is imperative that the number of empty properties brought back into use is maximised.

The previous Home Finder Lettings Review has seen that priority awarded to those with medical conditions has increased, resulting in more people being able to qualify for a 'gold band' status, alongside other vulnerable applicants who are unable to remain in their homes. The Localism Act 2011 also allows the council to house vulnerable people (such as homeless applicants) into the private rented sector with one offer of accommodation. If adequate funding is not provided to improve private sector housing standards to meet at least decent homes levels, legal challenges to the council on homelessness housing suitability grounds will almost certainly increase. Cuts elsewhere to housing support funding will also significantly affect vulnerable adults via reductions in floating support services. Combined with housing and benefit changes, financial hardship in this sector is likely to increase the number of vulnerable applicants applying to the council for housing assistance and advice. This makes the importance of available, affordable, decent homes imperative.

The information used to inform the strategy was partly obtained through the Council working with owners and agencies on current projects. Information was also captured through daily working with individuals. The anticipated main impacts on specific groups are:

**Age:**

A further reduction by agencies providing essential proactive services to help vulnerable private sector housing residents will have an adverse impact on independence, health and well-being which will, in turn, increase the need for care and support services. By increasing the supply of private sector rented properties by bringing them back into use can help to facilitate independent living, energy efficiency, better housing conditions, and housing functionality, allowing vulnerable people to live more meaningful lives in their own homes – and thus for housing standards in this sector to move closer to those in the social housing sector, leading to a more balanced housing market.

Understanding people's position in the housing market is important: There is considerable demand for single bedroom accommodation in Taunton Deane and West Somerset for younger people.

**Disability:**

The Council can adjust to an owners requirements to access the service regardless of their disability. The challenge is in evolving the private sector stock to meet an ever changing population and its needs, which can sometimes be complex. There is a larger call on housing with supported need to maintain independence. Empty homes can provide this flexibility as whilst empty, they can be redesigned to meet the needs of a disabled person. For example, wheelchair access and bathing.

**Race:**

It is important to be culturally sensitive when providing private sector housing services, and statutory and/or enforcement interventions are not always appropriate in achieving equitable equality outcomes, particularly for owners for whom English is not their first language. For example, the Council's enforcement responsibility could inadvertently discriminate against minority ethnic groups such as Black and Minority Ethnic (BME) owners. It is therefore important to ensure consistency and transparency in any enforcement decisions.

**Sex:**

No obvious direct impact identified although it is recognised that women generally have longer life expectancy than men and may therefore be a group which benefit most from the interventions outlined above and any reduction in funding for these interventions could disproportionately impact more female than males.

**I have concluded that there is/should be:**

No major change - no adverse equality impact identified	
Adjust the policy	Actions will be identified that will help mitigate the impacts identified above.
Continue with the policy	
Stop and remove the policy	

Reasons and documentation to support conclusions  
 Actions will be put in place to limit the actions as far as possible.

**Section four – Implementation – timescale for implementation**

Empty Homes Strategy - This will involve quarterly monitoring of: performance against budget; key service measures; and service outcomes.

<b>Section Five – Sign off</b>	
Responsible officer: Christian Trevelyan Date:	Management Team Date
<b>Section six – Publication and monitoring</b>	
Published on	
Next review date	Date logged on Covalent

### Action Planning

The table should be completed with all actions identified to mitigate the effects concluded.

Actions table					
Service area	Strategy	Date	2013/14		
Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
General discrimination when targeting empty homes.	Need to ensure choice of property to target is based solely on a property by property type basis. <ul style="list-style-type: none"> <li>Properties identified through council tax and determined by the length of time empty.</li> <li>The negative impact on the surrounding neighbourhood.</li> </ul>	Partnership Manager	From when the Strategy is agreed by the various members of the partnership Council's.	Somerset West Private Sector Housing Board quarterly reports	Increase in the number of properties brought back into use.  Increases the revenue of Councils through the New Homes Bonus and council tax revenue.  Services maintained for vulnerable private sector residents in future by providing suitable affordable accommodation.

Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
	<ul style="list-style-type: none"> <li>If the owner is taking steps to deal with the problems and return the property back into occupation.</li> </ul>				Effective, lower cost private sector housing interventions in quantitative terms (property conditions and living standards) and qualitative terms (how satisfied residents are in this sector).
Significance of age, disability, race and sex equality groups in private sector housing activities	<p>Raise awareness of characteristics of all these protected groups in relation to local housing market.</p> <p>Close monitoring of informal and formal action on empty home owners, and ensure managers and councillors are kept apprised of any impact.</p>	Partnership Manager	Ongoing	Scrutiny and information reports, staff briefings and housing briefings	Easily understood and accessible data and information on protected groups and specific characteristics in private housing
Ensure consistency, accessibility and equality of all advice and assistance given by council staff to private sector housing residents	Induction process for all new staff (including any temporary/agency staff); clear written procedures; effective staff supervision; and regularly reviewing all customer satisfaction returns and comments	Partnership Manager	Ongoing	Quarterly Housing Partnership Board reports	Private sector housing residents receive the same level and quality of advice and assistance, irrespective of who they are, where they live, and who they deal with.
The strategic need for the council to intervene in and	Critically assessing affordability, choices of housing, the varied housing needs of local residents,	Partnership Manager	Ongoing	Executive, Scrutiny and Partnership	A greater understanding and shaping of the local housing market .

Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
influence the local housing market and thus ensure better private sector housing conditions, costs, and choices for local people in need	and housing conditions, in the context of changing housing market conditions, public funding, and national housing policy			Board reports	
Ensure effective communications, monitoring and equality protocols with relevant partner organisations	Regular meetings with relevant partner organisations; a common understanding of priorities and pressures; initiatives to utilise complimentary work skills and experience; joint awareness and information exchange sessions	Partnership Manager	Ongoing	Partnership Board	More effective joint working and focus on priorities, better use of limited resources and consensual, co-operative approach to challenges in private sector housing
The specific needs of younger/older home owners in the local housing market	Evaluation of housing needs and choices for younger/older people, which is affordable.	Partnership Manager	Ongoing	Executive, Scrutiny and Partnership Board reports	Ensure regular monitoring is made of the housing stock demands in relation to need.





**21/04/2016, Report:Empty Homes Strategy and review of Empty Property Coordinator**

Reporting Officers:Mark Leeman

**21/04/2016, Report:Superfast Broadband Phase 2 report**

Reporting Officers:Ian Timms

**09/06/2016, Report:Car park variable message signage and pay on foot – Request for budget allocation**

Reporting Officers:Ian Timms

**09/06/2016, Report:TDBC revised Corporate Debt Policy**

Reporting Officers:Dean Emery

**07/07/2016, Report:Housing Revenue Account Business Plan Review**

Reporting Officers:James Barra

**07/07/2016, Report:Q4 - Financial Outturn report**

Reporting Officers:Steve Plenty

**07/07/2016, Report:Q4 Performance Report**

Reporting Officers:Paul Harding

**04/08/2016, Report:Housing Company**

Reporting Officers:James Barra

**04/08/2016, Report:Report on Grants Policy**

Reporting Officers:Christian Trevelyan,Mark Leeman

**08/09/2016, Report:Review of Deane Helpline**

Reporting Officers:Chris Hall

Contains exempt information requiring private consideration: Yes

Exempt reason:The report may contain some commercially sensitive information.

**08/09/2016, Report:Update on Coal Orchard Consultation**

Reporting Officers:Ian Timms

**09/11/2016, Report:Review of Council Tax Support Scheme**

Reporting Officers:Heather Tiso

**09/11/2016, Report:Deane Lottery**

Reporting Officers:Angela Summers

## **Executive – 21 April 2016**

Present: Councillor Williams (Chairman)  
Councillors Beale, Berry, Edwards, Mrs Herbert, Parrish and  
Mrs Warmington

Officers: Penny James (Chief Executive), Ian Timms (Assistant Director – Business  
Development), Jo Nacey (Finance Manager), Mark Leeman (Strategy and  
Partnership Lead), Simon Doyle (Performance and Development Manager),  
Christian Trevelyan (Partnership Manager, South West Private Sector  
Housing Partnership) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge and Coles  
Anne Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 6.15 pm.)

### **18. Apology**

Councillor Habgood.

### **19. Minutes**

The minutes of the meeting of the Executive held on 9 March 2016, copies of which  
had been circulated, were taken as read and were signed.

### **20. Declarations of Interest**

Councillor Mrs Herbert declared a personal interest as an employee of the  
Department of Work and Pensions. Councillor Beale declared personal interests as  
a Board Member and Director of Tone FM and as a Governor of the South West  
Ambulance NHS Trust. Councillor Parrish declared a personal interest as the  
District Councils' representative on the Somerset Pensions Committee.

### **21. Superfast Broadband – Delivery of Phase Two Rollout**

Considered report previously circulated, which sought to update Members on the  
procurement process for the delivery of Superfast Broadband Phase Two.

This programme was being delivered through the Connecting Devon and Somerset  
Partnership (CDS) through its non-commercial rollout out programme. Phase One  
of this project was currently seeking to bring Superfast Broadband to a minimum of  
90% of all premises by end of 2016.

The second phase would seek to increase the level of coverage to a minimum of  
95% across the partnership area. In order to support this goal a range of partners,  
which included Taunton Deane had agreed in principle to make a financial

contribution to the project. In the case of Taunton Deane, this was a capital contribution of £380,000. All of the partners had been asked to sign a Collaboration Agreement to confirm their financial commitment to this phase.

The signing of this agreement would enable the overall financial package to be finalised. This would, in turn, lead to the invitation to tender (ITT) being issued.

The initial exercise to procure this additional coverage had culminated in early summer 2015. The deadline for that procurement phase was driven by the expiry of a State Aid Notice on 30 June 2015 which had enabled the funding package to be delivered.

The initial procurement was split into two packages:-

- The main package related to the wider CDS area; and
- The smaller package covered Exmoor and Dartmoor which were areas that required alternative solutions to provide the desired level of coverage.

The main package was procured using the framework agreement. Only one bid had been received from BT which failed to meet the contract requirements and had therefore been rejected.

The secondary package covering the two Moors was procured on an open tender basis. The contract was awarded to Airband who were delivering a Wi-Fi solution to provide the required coverage.

The new procurement phase for the main package had been underway over the past 6-9 months. In order to enter the next phase of the procurement CDS were seeking to ensure that all partners had signed off the Collaboration Agreement. Noted that the securing of a delivery partner would also require a State Aid Notice to be granted which would be used alongside the financial package.

In committing to sign the agreement there were some key risks and issues to consider:-

**Indemnity** - There was a specific risk related to the procurement itself as each partner would indemnify the lead authority for its proportionate share of the procurement exercise and the contract management process. The exposure of the Council (at 6.22%) was therefore relatively small but remained a risk associated with process. This risk would be mitigated by the measures outlined in the report.

**Board Representation** - In the initial procurement exercise the Somerset Districts were offered one representative on the CDS board. This was currently occupied by Councillor John Williams. Since then there had been further negotiations which had led to the offer of an additional place to represent Districts on the Board to reflect the relative financial commitment being made by them.

**Local Outcomes and Ring Fencing** - The agreement reflected the requirement from each funder that the monies provided were spent in their respective district.

There is also a clear commitment to secure Value for Money which translated into securing the maximum possible benefit for the monies committed by each partner.

The tender would set a minimum threshold of 95% Superfast coverage across the CDS area. However as the procurement was subject to bidders assessing what was technically possible it was not possible to issue a guarantee around the specific gains in each district.

The secondary consideration related to how much extra benefit would be gained from contributing. As the Council had Broadband as a priority it appeared logical to make the financial contribution that had been requested.

**Repayment of contributions** - All partners had requested clarification on what circumstances could enable their withdrawal from the rollout delivery phase. Although this risk would be addressed through the tender process, in reality withdrawal would only be possible in the situation where the contract was inoperable.

Reported that the Executive was recommended to endorse the signing of the Collaboration Agreement by the Assistant Director – Business Development, in consultation with the Portfolio Holder.

Noted that the subject had been discussed by the Corporate Scrutiny Committee on 31 March 2016. Although a number of issues were highlighted these had since been addressed via a CDS newsletter which had been circulated to all Councillors. The Committee had also requested that the Shadow Portfolio Holder be added to the second part of the recommendation. With regard to this latter point, the Executive agreed that this would be unnecessary.

**Resolved that:-**

- (1) The update on the procurement process to deliver Phase 2 Superfast Broadband be noted; and
- (2) The proposal to grant delegated powers to the Assistant Director - Business Development to sign the Collaboration Agreement in consultation with the Portfolio Holder for Economic Development be supported.

The Chairman, Councillor Williams, left the meeting at 6.30 p.m. Councillor Edwards took the Chair.)

22. **Empty Homes in Taunton Deane and the Draft Empty Homes Strategy and Review of the Empty Homes Coordinator Post**

Considered report previously circulated, concerning the issue of empty homes. At best empty homes were a waste of valuable resources but often empty properties could be a blight on neighbourhoods and their environment.

Tackling “Empty Homes” was a national, regional and local priority as follows:-

### **Laying the Foundations – A Housing Strategy for England (November 2011) -**

This Government Strategy contained four priorities, one of which was to ‘tackle empty homes’.

**Somerset Strategic Housing Framework (2013)** - Priority 2 of The Strategic Housing Framework sought to ‘make the best use of the sub-regions’ existing housing stock’ and to ‘bring empty homes back in to use and utilise them for those in housing need’. The framework noted that (during 2010-2011) there were 7,837 empty homes in Somerset with almost 90% of these in the private sector and 36% of them being empty for more than six months.

**Current Empty Homes Strategy (2009/2010)** - The Council’s existing Strategy was no longer fit for purpose. Legislation had changed and so too had the financial incentives. In addition, Hinkley C would have a significant impact. The context had completely changed requiring the development of a new Strategy.

Bringing Long Term Empty (LTE) homes back into use had revenue implications for local authorities. For each LTE that was brought back in to use, the Council would receive approximately £7,000 through New Homes Bonus (NHB) based on receiving NHB for six years. However, if the number of LTE homes increased (from one year to the next) then this number would be deducted from the number of newly constructed properties from which NHB was also claimed. So there was a ‘carrot and stick’ financial approach to bringing LTE homes back in to use.

Reported that an Empty Homes Strategy for 2015-2018 had been drafted in conjunction with the Somerset West Private Sector Housing Partnership (SWPSHP). It therefore applied to three local authority areas: Sedgemoor, Taunton Deane and West Somerset.

The draft Strategy had two key priorities:-

- To provide encouragement and support to owners of empty homes to bring them back in to use; and
- To use appropriate enforcement action to bring empty homes back in to use.

To achieve these priorities, the SWPSHP would take into account the following key elements:-

- (1) The length of time the property had been empty, with officers focussing on those empty for more than six months;
- (2) If the property was having a negative impact on the area; and
- (3) If the owner was taking steps to deal with the problems to return the property back into occupation.

The draft Strategy identified how these priorities would be delivered and concluded with an Action Plan together with targets and arrangements for monitoring and review.

A consultation exercise had been undertaken earlier in the year and details of the 45 responses received were submitted. Specific comments related to the availability of

grant funding and the use of enforcement powers. It was acknowledged that enforcement would be a matter of last resort and that any desire to proceed with enforcement would require a decision of the relevant Executive member.

Further reported that through the One Team, Taunton Deane and West Somerset Councils had appointed an Empty Homes Coordinator (EHC) on a one-year fixed term contract from 1 July 2015. The postholder worked three days per week (33% funding coming from West Somerset) and their role was to:-

- Maintain and develop the Empty Homes Property database;
- Ensure that the Council Tax register was clear and accurate;
- Provide information, advice and guidance to empty home owners to assist them in bringing properties back into use; and
- Provide accurate numbers to enable NHB to be claimed.

### **Empty Homes in Taunton Deane**

As at 11 January 2016, the number of LTE homes within Taunton Deane was 472. 118 of these properties had been empty for over two years and the owner of the property was charged a 50% premium or levy on their Council Tax – the equivalent of 150% of the normal Council Tax charge.

The EHC had a key role to carry out a canvas of properties to update the Council's records for the October Council Tax Return. Ideally, the EHC would undertake validation visits to all properties once a year, however, this would not be feasible, given the limited resources available. Nevertheless, the EHC would undertake as many visits as possible, as there were potentially significant financial gains to be achieved.

Noted that Central Government counted the number of empty homes brought back into use by comparing the number of such properties reported on the annual Council Tax Base (CTB) return each October.

The role of the EHC was therefore very much focused on ensuring the Council Tax database was as accurate as possible and to ensure owners of LTE's promptly reported changes of circumstances, as well as providing information and guidance on how best to get the property back into use.

Noted that there were several projects that sought to bring empty homes back in to use. This included various forms of financial assistance which were outlined in the report.

Further reported that the EHC post was an initial 12 month temporary appointment and it was now time to review this post and to make a decision as to whether to extend the contract.

Submitted details of the activities undertaken by the EHC to date and the lessons that had been learnt. For 2015, the Council had reported 464 LTE properties on the CTB return, compared to 478 in 2014, a net reduction of 14. This had resulted in an extra £17,091 claimed from the NHB in one year.

Despite this, measuring the success of the EHC post needed careful consideration. It was not as simple as merely taking the baseline figure of the CTB1 returns as a measure of success and this was significantly impacted by new empty homes / LTEs being recorded. A smarter set of indicators would be required based on the recording of direct interventions and the resulting success rate. Such performance indicators would be developed in due course.

Accordingly, it was proposed to extend the contract of the EHC post on the following basis:-

- Maintain the existing job description and salary;
- The post to continue to be based in the Revenues and Benefits service;
- Three days per week (One day for West Somerset and two days for Taunton Deane); and
- Two year fixed term contract to 30 June 2018 (before which a further review would be undertaken).

Funding to be provided as follows:- Somerset County Council: 20%; Of the remainder: 33% West Somerset, 67% Taunton Deane.

Reported that the Community Scrutiny Committee had considered this matter at its meeting on 5 April 2016. No formal comments or recommendations on this proposal were provided for consideration by the Executive.

**Resolved** that:-

- (1) The Draft Empty Homes Strategy be approved; and
- (2) A two year extension to the contract for the Empty Homes Coordinator be approved on the basis of three days per week (i.e. as existing: one day for West Somerset and two days for Taunton Deane) with the Council's share of the cost funded from an underspend in 2016/2017 budget.

## 23. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

**Resolved** that the Forward Plan be noted.

(The meeting ended at 6.48 p.m.)