



Committee and Date

**Cabinet**

**6 July 2022**

Item

Public

## **DRAFT EMPTY HOMES STRATEGY FOR CONSULTATION**

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### **1. Synopsis**

- 1.1. A draft Empty Homes Strategy has been prepared. Cabinet is requested to approve the draft Strategy, to be subject to an eight-week consultation period.

### **2. Executive Summary**

- 2.1. The draft Empty Homes Strategy seeks to provide an overview of the numbers of empty homes in Shropshire, why homes can become empty and how, especially long-term, empty homes are a wasted resource, so it is important that they are brought back into use. Moreover, the draft Strategy provides a policy framework, setting out current processes for identifying empty homes, current and potential future initiatives to bring empty homes back into use, and the range of enforcement activities that, subject to assessment and sufficient resources, can be considered.

### **3. Recommendations**

- 3.1. Cabinet is asked to approve that the draft Empty Homes Strategy, contained at Appendix I, be subject to an eight-week public consultation period.

## **REPORT**

### **4. Risk Assessment and Opportunities Appraisal**

- 4.1. Although not a statutory requirement for local authorities, it is recognised as good practice to have an empty homes strategy.
- 4.2. An empty homes strategy provides a policy framework setting out the advice and assistance that can be provided to bring empty homes back into use and the enforcement powers which could be used where empty homes are unsafe or visibly blighting a neighbourhood.
- 4.3. Furthermore, an empty homes strategy allows the Council to demonstrate how it is exploring new and innovative opportunities to bring empty homes back into use. In addition, by establishing the process and policy framework for consideration of enforcement action, an empty homes strategy seeks to mitigate any risk to the Council should these actions be pursued.
- 4.4. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) initial screening record has been completed; this is at Appendix II. This does not identify any issues with the proposed draft Strategy but will be kept under review. A further assessment will be carried out following consultation on the draft Strategy.

## **5. Financial Implications**

- 5.1. The exploration and potential introduction of assistance measures (an empty homes “purchase and repair” scheme and a social lettings agency) referred to in the draft Strategy will be subject to business cases, availability of funding, and appropriate approvals.
- 5.2. Consideration of enforcement activity to bring empty homes back into use will be subject to sufficient resources, including financial capacity, and the required approvals.

## **6. Climate Change Appraisal**

- 6.1. By its very nature the draft Empty Homes Strategy seeks to reduce negative impact on the environment as it seeks to bring a wasted resource back into use as a home. However, at present only a framework is in place. This encourages owners to sell, rent or occupy their empty homes, so it is impossible to establish the impact on climate change. Therefore, currently it is acknowledged that the draft Strategy is expected to have a ‘no effect’ outcome on the climate change impacts listed below:
  - energy and fuel consumption (buildings and/or travel)
  - renewable energy generation
  - carbon offsetting or mitigation, and

- climate change adaptation.

6.2. Moving forward, the exploration, and associated business cases, of proposed initiatives surrounding an empty homes “purchase and repair” scheme to deliver affordable housing and a social lettings agency will seek to ensure positive outcome on these climate change impacts.

## 7. Background

7.1. In order for the housing market to function and due to issues and circumstances such as major repair works, probate or people receiving care, a proportion of homes will always be empty. The Government considers a long-term empty dwelling to be one that has been empty for over six months. In Shropshire less than one per cent of homes have been empty for over six months at any one time. The vast majority of these are privately owned and are dispersed across the local authority area.

7.2. The draft Empty Homes Strategy has four objectives:

- **Maintain relevant, accurate and current information relating to empty homes in the area:** using Council Tax data and other information the Council will maintain a database of dwellings that have been empty for over six months, this will include the reason for it being empty.
- **Bring empty homes back into use through encouragement, advice and assistance:** the Council will provide advice and signposting to owners of empty homes, in addition it will explore opportunities to bring empty homes back into use through “purchase and repair” to deliver affordable housing and a social lettings agency which would provide a management service of empty homes.
- **Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use:** although the Council aims to bring empty homes back into use working with owners, there may be exceptional circumstances where enforcement action is taken, however, this will be on the basis of an assessment of the empty property using a scoring matrix, and subject to sufficient resources.
- **Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils:** empty homes are a wasted resource, can look unsightly and also can result in crime and anti-social behaviour, therefore, it is important that owners of empty homes seek advice from the Council as to the options for bringing them back into use.

7.3. Each of the draft Strategy's objectives contain "Priorities for action" which together form an action plan. The draft Strategy also contains a scoring matrix and a summary of enforcement powers provided under legislation.

## 8. Conclusions

8.1. The draft Empty Homes Strategy seeks to highlight the reasons for why homes are empty, the advice the Council can offer, and the initiatives it is exploring to assist owners of empty homes. The draft Strategy also sets out the range of enforcement activity the Council could look to potentially consider and the associated policy approach.

<b>List of Background Papers</b>	
N/A	
<b>Cabinet Member (Portfolio Holder)</b>	
Rob Gittins	
<b>Local Member</b>	
<b>Appendices</b>	
Appendix I:	Draft Empty Homes Strategy for Consultation
Appendix II:	Equality, Social Inclusion and Health Impact Assessment (ESHIA)



Shropshire  
Council

# **Empty Homes Strategy**

**2022-2025**

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## **Foreword**

Welcome to Shropshire Council's Empty Homes Strategy 2022-25. This Strategy sets out how the Council will seek to reduce the number of empty homes, whilst promote options for bringing empty homes and other properties back into use as residential accommodation.

Empty dwellings are a wasted resource and often blight our communities, especially in a local authority such as Shropshire where there is such high demand for housing. We plan to work together to identify empty homes so owners can be given advice and assistance in order to sell, lease or rent their dwellings. With this support available, enforcement action should happen only as a last resort.



**Cllr Rob Gittins**  
**Portfolio Holder for Built Housing**

## Introduction

- 1.1 This Strategy aims to provide an understanding as to why homes become empty, the issues caused by empty homes within an area and what advice and assistance is available to the owners of empty homes. The strategy also sets out how the Council prioritises its resources to bring empty homes back into use in the most effective way, and where appropriate will use the powers available to bring empty homes back into use.
- 1.2 There are a number of benefits of having an Empty Homes Strategy, which include assisting in meeting housing need and demand across Shropshire, preventing anti-social behaviour, crime and the fear of crime surrounding empty dwellings and supporting the regeneration of our high streets and town centres.
- 1.3 The vision of the Housing Strategy 2020-25 is:  
  
*All homes are well designed decent homes of high quality, which will protect Shropshire's unique urban and rural environments and ensure it is a great place to live. That all Shropshire residents have access to the 'right home in the right place' to support and promote their health and wellbeing throughout their lives.*
- 1.4 An important objective of the Housing Strategy is to make the best use of existing assets, through bringing empty homes and dwellings back into use as residential accommodation to meet housing need and demand.
- 1.5 In order for the housing market to function, and due to issues, such as repair works, probate or people receiving care, there will always be an element of empty homes. As shown in Figure 1, in October 2021 the number of registered empty residential dwellings in the Shropshire Council area was 3,979 this being 2.7% of dwelling stock, which was slightly higher than the proportion of empty residential dwellings in England, this being 2.6%.
- 1.6 Central government classes residential empty dwellings which have been empty for more than six months as long-term empty dwellings. As shown in Figure 1 at October 2021 Shropshire had 1,444 dwellings which had been empty for over six months. This equates to just under 1% of residential stock, in line with the England average.
- 1.7 In April 2022 Shropshire had 1,475 dwellings (0.9% of dwelling stock) which had been empty for over six months, of these 572 (0.4% of dwelling stock) had been empty for over two years. Almost 90% of these dwellings are privately owned and are dispersed throughout the county rather than concentrated in particular localities.

**Figure 1<sup>1</sup>**

	<b>Shropshire</b>		<b>West Midlands</b>		<b>England</b>	
	<b>All empty homes</b>	<b>Empty for over six months</b>	<b>All empty homes</b>	<b>Empty for over six months</b>	<b>All empty homes</b>	<b>Empty for over six months</b>
October 2015	4,317	1,526	63,181	21,775	600,179	203,596
October 2016	4,356	1,535	60,559	21,186	589,766	200,145
October 2017	4,375	1,555	62,919	20,996	605,891	205,293
October 2018	4,460	1,654	64,309	22,381	634,453	216,186
October 2019	4,322	1,571	66,322	23,515	648,114	225,845
October 2020	4,262	1,733	70,024	28,740	665,628	268,385
October 2021	3,979	1,444	69,135	25,726	653,025	237,340

1.8 The Strategy both seeks to deliver key priorities in the Housing Strategy and links to other housing policies and plans, for example, the Private Housing Assistance Policy.

1.9 The Empty Homes Strategy has four objectives:

Objective 1: Maintain relevant, accurate and current information relating to empty homes in the area

Objective 2: Bring empty homes back into use through encouragement, advice and assistance

Objective 3: Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use

Objective 4: Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils.

1.10 Each objective contains a number of “priorities for action”; these form an Action Plan at Appendix I which will allow monitoring and review of the Strategy.

<sup>1</sup> [Live tables on dwelling stock \(including vacants\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

**Objective 1: Maintain relevant, accurate and current information relating to empty homes in the area**

- 2.1 Dwellings can naturally become empty for periods of time, perhaps due to the buying and selling process, being between tenants or when an owner passes away. However, when a dwelling remains empty for a significant period of time, or is attracting unwanted attention, then it is considered a "problematic empty dwelling".
- 2.2 Shropshire does not have any specific residential areas suffering from market failure, instead empty dwellings are dispersed across the authority. There are several reasons why homes become empty in the longer term, including:
- the dwelling is difficult to sell or let;
  - it is being renovated;
  - the owner does not have the finances/time/skills to manage the dwelling;
  - the dwelling has been repossessed;
  - probate issues;
  - the dwelling is an inherited family home and the owner has emotional links creating a reluctance to sell;
  - the owner is being cared for elsewhere/is in hospital; and
  - the dwelling was bought as an investment, but the market has changed, and the project is no longer viable or there are insufficient finances to develop.
- 2.3 It is important that the Council ensures it maintains an up-to-date database of all empty dwellings. Only then can the Council fully understand the reason for dwellings remaining empty and then can work with the owners in the most appropriate way for each circumstance.
- 2.4 The initial step is to identify where the empty dwellings are and who owns them. The main approach the Council has of collating information about empty residential dwellings is using Council Tax records. Permission to use this information was introduced in the Local Government Act 2003.
- 2.5 Identifying empty dwellings is not always straightforward. A dwelling may be used as a second home, and so not occupied on a permanent basis, but is in use. Or instead, a dwelling may be empty, but not registered as such with Council Tax. It may be that perceived non-residential space such as that often found above shops is being used for storage or other business-related matters, therefore, although not immediately obvious, is in use.
- 2.6 Although it is now compulsory in England to register any dwelling with the Land Registry which changes ownership or has a mortgage taken out against it for the first time, this was not the case in Shropshire until 1 January 1990 (1 April 1986 for the former district of Bridgnorth).

Therefore, dwellings which have not changed ownership since that time may not be registered with the Land Registry and information regarding the dwelling will not be available from this source.

- 2.7 It may not be immediately evident who the owner of a dwelling is or where they are, as they may have moved away with little information available to trace them. There are various reasons why this may be the case and outside agencies may be needed to be enlisted to assist us with tracking them down.
- 2.8 Once the owner is identified, the Council will contact them and try to engage with them in order to bring the dwelling back into use.
- 2.9 It should be remembered that the reason can be sensitive, for example, a dwelling where the owner has gone into residential care and is hoping to return, where the owner is otherwise in crisis, or where the dwelling is subject to probate.
- 2.10 A dwelling may be owned by a number of different people or companies, some or all of whom may be untraceable. The dwelling may be subject to legal proceedings such as divorce settlements, insolvency, or proceeds of crime restrictions.
- 2.11 Some dwellings are deliberately kept empty by the owner for specific reasons such as for their children when they leave home or elderly relatives who are in care. Others are kept empty until the owner feels the housing market is suitable to sell the dwelling at the price they want.
- 2.12 A notable number of dwellings remain empty, often for a substantial number of years, where the owner has health issues and emotional attachments to the dwelling which make it difficult for them to consider removing any items from the dwelling or consider selling or renting it.
- 2.13 Some owners are reluctant to engage with the Council and believe that as the dwelling is privately owned the Council do not have the right to require action to return it to use. They may be unaware of, or have no concern for, the affect the dwelling has on the local area and surrounding dwellings.
- 2.14 A number of empty dwellings within the county are classified as Listed Buildings and/or are located within conservation areas or might otherwise be considered historic because of their age and character (and would be treated as 'non-designated heritage assets' within the planning system). These dwellings can provide additional challenges due to their nature and the requirement to protect their architectural and historic interest. If these dwellings are neglected their physical condition will frequently start to deteriorate. This can result in a loss of historic fabric and structural integrity through decay, weather ingress, vegetation growth and animal infestation, such as pigeons and other vermin.
- 2.15 There may be dwellings awaiting planning permissions and work cannot commence whilst this is being sought. A number of these may include

specialist permissions if they are Listed Buildings or located in a Conservation Area.

2.16 A scoring matrix (Appendix II) will be completed for all residential empty dwellings empty for over twelve months.

#### **Priorities for action**

- ***Introduce a web-based system to enable parish and town councils, community groups and residents to report empty dwellings***
- ***Continue to receive monthly update reports on residential empty dwellings from Council Tax***
- ***Ensure all empty dwellings which are empty for over twelve months have a completed scoring matrix***

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## **Objective 2: Bring empty homes back into use through encouragement, advice and assistance**

- 3.1 Once the Council has established the owner of the empty dwelling, it will contact the owner and set out the options of renting out the dwelling, selling it or moving into. Of course, bringing the dwelling back into use will relate to the level of repairs and improvements needed and the desire of the owner to reach a resolution.
- 3.2 The Council provides information, signposting and advice to owners of empty dwellings to help identify the best solutions to bring their empty dwelling back into use. For example, advice on how to present an empty dwelling to prospective purchasers, information on VAT relief for renovating an empty dwelling or assistance with finding tenants.
- 3.3 The Council will explore opportunities for establishing a "purchase and repair" scheme specifically for empty homes. Such a scheme would provide additional affordable housing through acquiring empty homes and improving them to a lettable standard.
- 3.4 In addition, the Council is exploring the establishment of a social lettings agency to provide a private rented offer. Such a scheme could allow owners of empty homes to lease these to the agency. The agency would undertake the management of the dwelling, including letting, tenancy, repairs and void management, and pay the owner an agreed proportion of the rent.

### **Priorities for action**

- ***Contact owners of dwellings empty for over six months to establish reason why dwelling is empty and provide advice***
- ***Explore opportunities for establishing an empty homes "purchase and repair" scheme***
- ***Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing***

**Objective 3: Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use**

- 4.1 The Council aims to bring all empty dwellings back into use with the cooperation of the owners and will only move to take enforcement action as a last resort and where there are exceptional circumstances that justify such action. Subject to available resources within the Council, particularly available funding, enforcement powers (see Appendix III) will be considered where it can be demonstrated that owners have been unwilling to engage with the Council over a significant period of time, and the dwelling is either creating a specific problem that is severely impacting the locality, or it would help to meet a particularly critical housing need.
- 4.2 There is a range of legislative powers available to the Council to deal with immediate and specific issues such as vermin, nuisance, fly tipping and insecure or dangerous buildings. Although the actions available under the relevant legislation will deal with specific issues, they will not necessarily result in the dwelling being returned to use.
- 4.3 Other powers can be used to deal with empty dwellings in the longer term, these being Enforced Sale, Empty Dwelling Management Orders and Compulsory Purchase Orders. These routes are both resource intensive and very costly. Use of Compulsory Purchase powers is a last resort and can only be considered after all reasonable attempts to acquire a property through negotiation and all other avenues have been exhausted, and when a case for their use can be demonstrated to have compelling public benefits. A Public Inquiry is convened if a Compulsory Purchase Orders is subject to objection and the Order also requires confirmation by the Secretary of State. The decision to undertake these forms of enforcement action will be based on an assessment of each empty dwelling using the scoring matrix at Appendix II. Action will be subject to available resources within the Council, particularly available funding, and only considered for those dwellings with a "high" score.
- 4.4 Government regulations allow local authorities to increase the level of the council tax premium (this is in addition to the standard council tax levy) depending on the length of time the dwelling has been empty and substantially unfurnished. Shropshire Council charges the council tax premium in respect of empty and substantially unfurnished residential dwellings as below:

<b>Empty Period</b>	<b>Premium</b>
Two to five years	100%
Five to ten years	200%
Over ten years	300%

- 4.5 The Levelling Up and Regeneration Bill, which had its first reading in Parliament on 11 May 2022, changes the qualifying period for use of the long-term empty homes premium. It proposes that Council's may levy a

premium of up to an additional 100% on council tax bills for empty homes after one year (as opposed to two years which is the current requirement).

**Priorities for action**

- ***Establish an Enforced Sale procedure***
- ***Establish an Empty Dwelling Management Order procedure***
- ***Establish a Compulsory Purchase Order procedure***
- ***Ensure that the matrices for dwellings which are empty for over two years are kept up to date and dwellings prioritised for potential enforcement action***

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**Objective 4: Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils**

- 5.1 Empty dwellings can have a direct impact on adjoining dwellings through issues such as damp and structural problems. Alongside this, unsightly dwellings can have a detrimental effect on neighbouring house prices and can also result in a lack of pride in the area.
- 5.2 The possibility of empty dwellings attracting unwanted attention can also result in crime and anti-social behaviour and cause anxiety and concern for local residents.
- 5.3 Returning empty dwellings to use can help eliminate these issues and ensure that house prices in the neighbourhood are protected from preventable reductions.
- 5.4 By returning empty dwellings to use, homes can be provided for local people enabling them to remain close to schools, employment and support networks. There are many households across the county in housing need and the utilisation of empty dwellings could prevent some of these people from facing issues such as homelessness and over-crowding or provide a first home for a local person.
- 5.5 Creating new housing in town centres from under-utilised space provides additional accommodation to help reduce the number of those in housing need, whilst improving the visual aspect of the town centre. Returning to use commercial dwellings can assist in the regeneration of town centres and villages. Shropshire attracts many visitors each year with its mixture of beautiful countryside, tourist attractions and towns to visit. By reducing empty dwellings in town centres this will ensure this important aspect of the economy can continue to flourish.
- 5.6 It is, therefore, important that owners of long term empty residential and commercial dwellings contact the Council to discuss their options for bringing their dwelling back into use. This position is enhanced if parish and town councils, individual residents and community groups inform the Council about any empty dwellings – both residential and commercial.
- 5.7 Moreover, town and parish councils, community groups and individual residents are encouraged to advise the Council of empty dwellings that are creating a problem in their local area or where the owner may need some assistance to return the dwelling to use.

**Priorities for action**

- ***Establish a media campaign to publicise the Empty Homes Strategy***

## Appendix I: Action Plan

Priority for action	Timescale	Outcome	Responsible service
Introduce a web-based system to enable parish and town councils, community groups and residents to report empty dwellings	April 2023	Parish and town councils, community groups and all members of the public can easily report empty dwellings	Housing Enforcement Team ICT
Continue to receive monthly update reports on residential empty dwellings from Council Tax	Ongoing	Ongoing monitoring of the number and location of empty homes	Council Tax Housing Enforcement Team
Ensure all empty dwellings which are empty for over twelve months have a completed scoring matrix	June 2023	A database providing data of all long-term empty dwellings and an accompanying initial score	Housing Enforcement Team
Contact owners of dwellings empty for over six months to establish reason why dwelling is empty and provide advice	June 2023 and ongoing	The Council has qualitative information as to why dwellings are empty. Owners understand the financial implications of leaving a dwelling empty and may consider selling or renting the dwelling.	Housing Enforcement Team
Explore opportunities for establishing an empty homes "purchase and repair" scheme	Ongoing	Empty homes brought back into use as affordable housing.	Housing Strategy and Development Housing Enabling Team STAR Housing
Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing	September 2022	Establish a business case and vehicle for delivering a social lettings agency	Housing Strategy and Development STAR Housing
Establish an Enforced Sale procedure	December 2022	Enforced Sale procedure in place.	Housing Enforcement Team Legal
Establish an Empty Dwelling Management Order procedure	December 2022	Empty Dwelling Management Order procedure in place.	Legal STAR Housing Property and Development
Establish a Compulsory Purchase Order procedure	December 2022	Compulsory Purchase Order procedure in place.	Property and Development Legal Planning Enforcement Team

Ensure that the matrices for dwellings empty for over two years are kept up to date and dwellings prioritised for potential enforcement action	September 2023	Long term empty dwellings are prioritised for potential enforcement action based on an open and transparent ranking system	Housing Enforcement Team Historic Environment Team Planning Enforcement Team Building Control Team
Establish a media campaign to publicise the Empty Homes Strategy	September 2023	The public are aware of how to report empty homes and of the advice, assistance and potential enforcement options	Communications and Engagement Team

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**Appendix II:****Scoring Matrix**

<b>Criteria</b>	<b>Response</b>	<b>Score</b>
How long has the dwelling remained empty?	Over 10 years	5
	5 to 10 years	3
	2 to 5 years	2
	6 months to 2 years	1
	Over 6 months	0
Location	Prominent position in residential area	5
	Residential area	3
	Isolated dwelling with access	2
	Extremely isolated with no access	1
Special interest	Listed building and in conservation area	5
	Listed building or in conservation area	3
	None	0
Is there evidenced housing need for dwelling?	Yes	3
	No	0
General condition of dwelling, including outbuildings and gardens	Extremely unsightly / detrimental to area	5
	Noticeably empty / unattractive	3
	Some issues but not stand out	1
	Well maintained	0
Evidence of ASB / crime at the dwelling	Persistent	5
	Frequent	3
	Minimal	1
	None	0
Number of complaints, including those relating to garden, fly tipping, vermin and vehicles	Over 5	3
	1 to 5	1
	Nil	0
Has enforcement action been undertaken?	Yes	5
	No	0
Debts owed to Shropshire Council	More than £5,000	5
	Less than £5,000	3
	Nil	0
Works in default undertaken by Shropshire Council	One or more	5
	Nil	0
Additional empty dwellings owned / managed by this owner	Two or more	5
	One	3
	Nil	0
Owner interaction	Minimal / no contact and little effort made	5
	Some contact and efforts made	3
	High level of co-operation	0
	<b>Total score</b>	
	<b>Risk rating</b>	

**Risk**

<b>Rating</b>	<b>Score</b>
High	35 or above
Medium	21 to 34
Standard	0 to 20

### **Appendix III: Enforcement Powers**

**Prevention of Damage by Pests Act 1949 Sections 2 to 7:** This requires the owner of the dwelling to take steps to clear the land of vermin and/or remove waste likely to attract vermin or for the Council to do this.

**Local Government (Miscellaneous Provisions) Act 1982 Section 29:** This enables the Council to secure an empty dwelling against unauthorised access or to prevent it from becoming a danger to public health.

**Building Act 1984 Sections 77 and 78:** This allows the Council to require owners of dangerous or dilapidated buildings to make these safe or for the Council to take emergency action to make the dwelling safe.

**Building Act 1984 Section 79:** This requires the owner to rectify a dwelling where it is adversely affecting the amenity of the area through its disrepair.

**Environmental Protection Act 1990 Sections 79 to 81:** This requires the owner to abate the nuisance or prevent its recurrence or gives the Council the power to do so.

**Town & Country Planning Act 1990 Section 215:** In certain circumstances an owner can be served a notice which requires them to take steps to ensure the condition of their dwelling and/or land does not adversely affect the amenity of an area. Where the owner fails to comply with such a notice, the Council may undertake the works in default and make a charge against the dwelling. Although this action will not result in the dwelling being returned to use, Section 215 notices can be used as the basis of an enforced sale (see below).

**Housing Act 2004:** Where a dwelling has category 1 hazards present the Council is required to act, this includes serving notice to undertake remediation works. If the owner fails to comply with the notice, this allows the Council to undertake the works in default and recover the costs.

**Planning (Listed Buildings and Conservation Areas) Act 1990 Section 54(1):** Gives the local planning authority the power to execute an **Urgent Works Notice** to preserve unoccupied listed buildings. The scope of the works that can be specified are restricted to emergency repairs to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be the minimum consistent with achieving this objective and should not involve an owner in great expense. Section 55(1) of the Listed Buildings Act 1990 allows a local authority that has incurred expenditure through service of an Urgent Works Notice, and subsequently undertaking the works in default, to seek to recover their expenses from the building owner.

**Anti-social Behaviour, Crime and Policing Act 2014:** Where a dwelling is creating a continued problem affecting the surrounding area the use of a **Community Protection Notice** and its associated process may be possible. This is to address anti-social behaviours issues, not to bring the dwelling back into use, but may encourage the owner to sell or renovate their empty dwelling.

**Law of Dwelling Act 1925:** allows the Council to force the sale (**Enforced Sale**) of a dwelling where there is an outstanding debt owed to it which has been registered against the title of a dwelling. This debt may have arisen as a

result of works in default, where a Statutory Notice has not been complied with, or a Court imposed charging order has been placed on the dwelling for Council Tax debt. The dwelling is sold at auction and the cost of the statutory works undertaken in default by the Council, fees, debts and administration charges can be recovered from the proceeds of sale. This process can only be halted by the debt being paid to the Council before the forced sale is completed.

**Housing Act 2004:** Where a residential dwelling has been empty for more than two years and the owner cannot demonstrate efforts or plans to return it back into use, the Council can apply for an **Interim Empty Dwelling Management Order**. This Interim Order gives the Council management of the dwelling for a period of one year, although the Council cannot let the dwelling during this time without the consent of the owner. During this time other measures to return the dwelling to use are explored with the owner but should these be unsuccessful a **Final Empty Dwelling Management Order (EDMO)** can be applied for. A Final EDMO enables the Council to carry out any works to the dwelling necessary to make it habitable and let the dwelling, using the rent to pay for the works carried out and any management costs, with any balance being paid to the owner. This Order can last up to seven years.

**Housing Act 1985 Section 17 and Town and County Planning Act 1990 Section 226:** the Council has powers to apply for a **Compulsory Purchase Order (CPO)** on an empty dwelling where the owner has made little or no effort to return the dwelling to use. It must be demonstrated that steps have been taken to encourage the owner to bring the dwelling back into occupation and that there is no other chance of the dwelling being occupied. It is also necessary to show that the dwelling is required for housing in the area. A CPO is the final solution to a problem empty dwelling as it removes ownership from the current owner. The Council purchases the dwelling from the owner to dispose of as it sees fit (the Council could either look to dispose of it to be used as affordable housing or instead dispose on the open market, subject to covenants to undertake works and re-occupy). CPO can also be carried out through negotiating a **voluntary acquisition** where the owner agrees that the Council can purchase the dwelling which can speed up this process.

**Acquisition of Land Act 1981** sets out the procedures a local authority is required to follow when making a Compulsory Purchase Order. Further guidance is also provided the Governments' [Guidance on Compulsory purchase process and The Criche Down Rules](#) (2019).

**Planning (Listed Buildings and Conservation Areas) Act 1990 Section 7 and Section 47:** Section 7 of the provides that an appropriate authority or the Secretary of State may compulsorily acquire a listed building in need of repair if it appears that reasonable steps are not being taken for its proper preservation. Under section 47, there is a two-stage process: (i) service of a **Repairs Notice**; and (ii) service of a **Notice of Compulsory Acquisition** on every owner, lessee and occupier if, after the expiry of a minimum of two months it appears to the appropriate authority that reasonable steps are not being taken for properly preserving the building. It is important to emphasise that this is reserve power which is only to be used to ensure the long-term preservation of a listed building, when all other steps to achieve this have been exhausted.

**Housing Act 1985:** This gives the Council the power to place a demolition order on a dwelling where category 1 hazards exist and demolition is considered

to be the most satisfactory course of action. The owner of the dwelling is responsible for its demolition and retains ownership of the land. Where a number of dwellings within the same area are considered suitable for demolition, the Council can declare a Clearance Area. This would then result in purchase and demolition of the dwellings by the Council, which then owns the land.

DRAFT

**APPENDIX II: Equality, Social Inclusion and Health Impact Assessment (ESHIA)**

**Initial Screening Record**

**A. Summary Sheet on Accountability and Actions**

<b>Name of proposed service change</b>
<i>Draft Empty Homes Strategy</i>

<b>Name of lead officer carrying out the screening</b>
Melanie Holland

<b>Decision, review, and monitoring</b>
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<b>Decision</b>	<b>Yes</b>	<b>No</b>
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

***If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.***

<b>Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations</b>
<p>The draft Empty Homes Strategy highlights how empty homes are a wasted resource and it is important that they are brought back into use. The Strategy contains priority actions to:</p> <ul style="list-style-type: none"> <li>• Explore opportunities for establishing an empty homes “purchase and repair” scheme</li> <li>• Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing</li> </ul>

**Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations**

This will be incorporated as part of the business cases for each of the aforementioned priority actions contained in the draft Strategy.

**Associated ESHIAs**

Following the end of the public consultation on the draft Empty Homes Strategy a second screening ESHIA will be undertaken.

**Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations**

***Climate change***

By its very nature the draft Empty Homes Strategy seeks to reduce the impact on the environment as it seeks to bring a wasted resource back into use as a home. However, at present only a framework is in place. This encourages owners to sell, rent or occupy their empty homes, therefore, it is impossible to establish the impact on climate change. Therefore, currently it is acknowledged that the draft Strategy is expected to have a 'no effect' outcome on the climate change impacts listed below:

- energy and fuel consumption (buildings and/or travel)
- renewable energy generation
- carbon offsetting or mitigation, and
- climate change adaptation.

Moving forward, the exploration, and associated business cases, of proposed initiatives surrounding an empty homes "purchase and repair" scheme to deliver affordable housing and a social lettings agency will seek to ensure positive outcome on these climate change impacts.

***Health and wellbeing and Economic and societal/wider community***

The draft Empty Homes Strategy highlights how empty homes are a wasted resource and it is important that they are brought back into use. The Strategy contains priority actions to:

- Explore opportunities for establishing an empty homes “purchase and repair” scheme
- Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing

Health and wellbeing and economic and societal/wider community impacts will be incorporated as part of the business cases for each of these priority actions.

### **Scrutiny at Part One screening stage**

<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i>		4 May 2022
<i>Any internal service area support*</i>		
<i>Any external support**</i>		

***\*This refers to other officers within the service area***

***\*\*This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues***

### **Sign off at Part One screening stage**

<b>Name</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer's name</i>		4 May 2022
<i>Accountable officer's name</i>		

***\*This may either be the Head of Service or the lead officer***

## **B. Detailed Screening Assessment**

### **Aims of the service change and description**

The draft Empty Homes Strategy seeks to provide an overview of the numbers of empty homes in Shropshire, why homes can become empty and how, especially long-term, empty homes are a wasted resource, so it is important that they are brought back into use. In addition, the draft Strategy provides a policy framework, setting out current processes for identifying empty homes, current and potential future initiatives to bring empty homes back into use, and the range of enforcement activities that, subject to assessment and sufficient resources, can be considered.

### **Intended audiences and target groups for the service change**

The draft Empty Homes Strategy is intended for the public, including owners of empty homes, town and parish councils and housing associations.

### **Evidence used for screening of the service change**

The draft Empty Homes Strategy.

### **Specific consultation and engagement with intended audiences and target groups for the service change**

The proposed eight-week public consultation will include targeted consultation with town and parish councils and housing associations.

### **Initial equality impact assessment by grouping (Initial health impact assessment is included below)**

***Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.***

***Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.***

<b>Protected Characteristic groupings and</b>	<b>High negative impact</b>	<b>High positive impact</b>	<b>Medium positive or</b>	<b>Low positive, negative, or neutral impact</b>
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<b>other groupings in Shropshire</b>	<i>Part Two ESIIA required</i>	<i>Part One ESIIA required</i>	<b>negative impact</b> <i>Part One ESIIA required</i>	<b>(please specify)</b> <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				✓ (neutral)
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				✓ (neutral)
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (neutral)

<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓ (neutral)
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (neutral)
<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				✓ (neutral)
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				✓ (neutral)
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility,				✓ (neutral)

potential for bullying and harassment)				
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓ (neutral)
<u>Other: Social Inclusion</u> (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				✓ (neutral)

**Initial health and wellbeing impact assessment by category**

***Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.***

***Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.***

<b>Health and wellbeing: individuals and communities in Shropshire</b>	<b>High negative impact</b> <i>Part Two HIA required</i>	<b>High positive impact</b>	<b>Medium positive or negative impact</b>	<b>Low positive negative or neutral impact (please specify)</b>
<p><b>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</b></p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			✓	
<p><b>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</b></p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			✓	
<p><b>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</b></p> <p>For example, would it affect housing,</p>			✓	

transport, child development, education, employment opportunities, availability of green space or climate change mitigation? .				
<p><b>Will there be a likely change in demand for or access to health and social care services?</b></p> <p>For example:                  Primary Care,                  Hospital Care,                  Community Services, Mental Health, Local Authority services including Social Services?</p> .				✓ (neutral)

**Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts**

Please see above.

**Guidance Notes**

**1. Legal Context**

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local

factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation e.g. young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are

taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

## **2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health**

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose. You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

**Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.**

*Carry out an ESHIA:*

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

*Carry out an equality and social inclusion approach:*

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

### **3. Council wide and service area policy and practice on health and wellbeing**

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

#### **Health in All Policies – Health Impact Assessment**

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local

policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.

- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

## **Individuals**

### **Will the proposal have a *direct impact* on health, mental health and wellbeing?**

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from

car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

**Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?**

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

**Communities**

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

**Demand**

**Will there be a change in demand for or access to health, local authority and social care services?**

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

***For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email [lois.dale@shropshire.gov.uk](mailto:lois.dale@shropshire.gov.uk).***

***For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email [amanda.cheeseman@shropshire.gov.uk](mailto:amanda.cheeseman@shropshire.gov.uk)***