

Empty Property Strategy 2024

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Ambitious for Redbridge

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1. Introduction

The Empty Property Strategy is supported by the work of the Private Sector Housing Home Improvements team and is directed exclusively at empty properties in private ownership.

Empty properties can blight a community. Lack of maintenance can impact on neighbouring properties causing damp and attracting feral pigeons for example. Neglected and overgrown gardens highlight homes as uncared for and can provide harborage for other pests. The property can soon become a focus for littering which can escalate to fly tipping, as well as being vulnerable to burglary, arson, squatting and other anti-social behaviour. The Council, police and fire services have to deal with this harm.

Empty properties represent a wasted resource that could provide a home for a family whether a private buyer or tenant. The empty property strategy is integral to the housing strategy objective of increasing supply. The council has an interest in minimising the number of homes left empty. This is particularly important given the high level of housing need in Redbridge, with 5531 families and 2296 singles/couples on the Housing Register (October 2023). [Further information in relation to housing needs can be found in the Housing Strategy 2023 [Housing Strategy 2023-2028 \(redbridge.gov.uk\)](https://redbridge.gov.uk/housing-strategy-2023-2028)]

The London Borough of Redbridge has a responsibility to residents, including those who own property, those living near an empty property and those in housing need. By bringing empty properties back into residential use the Council can contribute to housing provision and improve the economic and environmental sustainability of the Borough.

The Council is committed to tackling long-term empty properties and to supporting owners (including Registered Social Providers) to help them return their properties back into use.

Since the introduction of the 2010 Empty Property Strategy the Council, through direct action, has been instrumental in bringing more than 1,215 empty homes back into residential use. [See table 3 in Appendix 1 for breakdown]

Since the previous Empty Property Strategy (2012-2015) was implemented, legislation has been introduced to allow authorities to vary council tax charges for long term empty properties. LB Redbridge has used these powers to introduce additional premiums. The Property Licensing regime has also been introduced in the interim period. This updated strategy also reflects recent policies and reports since the previous version (such as the Redbridge Plan 2022-2026, the campaign group Action on Empty Homes reports "Empty Homes in England" and "Pretty Vacant" and the Mayor of London's 2018 Housing Strategy).

The approach of using a mix of encouragement, advice, and incentives such as availability of grants, as well as enforcement interventions will continue.

This strategy will consider commercial empty properties where there is the potential to convert to residential homes or make use of existing empty space above commercial property (subject to planning consent). The 2021 report "Repurposing Empty Spaces to Help Address the Housing Crisis Across England, Scotland and Wales" produced by the Empty Homes Network found there to be an estimated 165,000 privately owned commercial and business premises remaining empty across the 3 countries. In Redbridge, between April 2020 and March 2023, conditional planning consent was given for 6 offices to be converted to more than 100 residential units in total. Many more offices, shops, commercial/business/service and also storage units were given consent for change of use to residential units in this period for between 1 and 7 residential units per nonresidential unit to be converted.

Since December 2019, a borough wide Article 4 direction means that development proposals for Houses in Multiple Occupation (HMOs) for 3 to 6 unrelated persons now need planning permission.

The ambition for Redbridge is to reduce poverty and improve the wellbeing for everyone. This will be done by focusing on the core issues that matter to Redbridge residents. The Council will focus on safety, health, clean neighbourhoods, a greener environment, skills, jobs, decent homes, and strong communities. The Empty Property Strategy will support the delivery of these aims and contribute towards delivering the Housing Strategy objective of increasing the supply of good quality private rented accommodation. The Housing Strategy is a key policy framework document for the Council.

2. Context

Redbridge is an outer London Borough within the East London region. The 2021 Census shows Redbridge having a population of 310,300 people, a rise of 11.2% since the 2011 census, when the population was 279,000. This is a higher percentage increase than the overall increase for England (6.6%), and for London (7.7%). The 2021 Census found Redbridge was among the top 10% most densely populated English local authority areas. Redbridge has a total dwelling stock (2022) of approximately 108,000 (source: Department of Levelling Up, Housing and Communities (DLUHC) and Ministry of Housing, Communities and Local Government: Live tables on dwelling stock, Table 125).

The 2021 Census shows a 6.5% decrease in home ownership to 57.1% (the largest fall in England), social renting at almost the same level (at 11.3%) and a significant increase to 30.4% of private renting, as compared to a decade earlier. Bringing empty properties back into use will help alleviate some of the housing pressures.

3. Empty Property Definition

It is recognised that 2 years' empty is a milestone and if serious about dealing with an empty property, owners, or persons responsible would have made progress by this time. The first Premium is applied to council tax rates after 2 years empty and substantially unfurnished (see Section 8 Council Tax below). Empty Dwelling Management Orders, (EDMOs) are available as an enforcement sanction for properties which have been empty for 2 years. (Sections 13 –16 below give further information about enforcement sanctions to return empty properties to use).

Under the Housing Act 2004 and associated legislation the government encourages councils to take action to bring empty homes back into use.

4. Why Residential Properties Become Empty and Remain Empty

There are many reasons leading to empty properties. These may include:

- Property is difficult to sell or let.
- The property is undergoing renovation or development.
- The owner has run out of money for the cost of the works.
- Owner awaiting further increases in the market before selling ("land banking")
- The owner is finding it difficult to manage the property through lack of knowledge, skills or time; also, long distance, or a previous bad experience with tenants.
- The property has been repossessed.
- A lengthy or complicated probate process (for example with no living or capable next of kin, key persons overseas), delays or inheritance disputes in the administration of the estate
- Emotional attachment to a property such as a former family home or home of a deceased loved one.
- The owner is being cared for in residential care or is in hospital.
- The owner is in prison or working abroad.
- Property subject to a legal dispute (such as divorce, bankruptcy, fraud case or disputed planning consent)
- The property is classified as a second home.

Information about homes being empty comes to the Empty Property Officer from data held by the Council Tax service, from owners themselves, from complaints/reports from members of the public, officer observations when out and about, referrals from other services, Councillors and MPs. This can be checked/cross referenced by viewing electoral roll and other council records and talking to neighbours.

5. The National Picture

The volume of empty properties is growing in two thirds of all local authorities, in both high and low value areas, with empty homes in the top and bottom council tax bands.

The campaign group, Action on Empty Homes, highlights in their report 'Empty Homes in England', rises in London (up 11%), the Southeast (up 9%) and the East (up 11%). They report the highest regional occurrence of empty homes is in the Northeast where one in every 72 homes is long-term empty.

The latest Government data shows around 250,000 properties in England have stood empty for more than six months.

Another 200,000 empty homes are covered by exemptions and do not pay any council tax. Total vacancies now stand at over 676,000.

This figure excludes nearly 257,000 'second homes' or 'furnished empties' and over 70,000 second homes "flipped" to paying business rates as permanent short lets (Airbnb).

6. Regional Policy

The Mayor of London's 2018 Housing Strategy notes that the private rented sector has expanded rapidly in recent years, largely because of the difficulty of accessing home ownership. This is supported in East London by the Strategic Housing Market Assessment carried out in 2017.

In their 2020 report, 'Pretty Vacant', Action on Empty Homes identified how property investment in London is reducing access to much needed housing for locals. It highlighted the significant impact of short-term let markets (such as Airbnb) on the rental market. It also reported on second homes and views that rather than these properties being the bona fide 'holiday homes'.

or "pieds à terres" of the wealthy, the classification was frequently used by owners to evade a property being classed as long-term empty and avoid being charged empty-homes council-tax premiums. (See below "Council Tax").

The London Housing Strategy includes a proposal that the mayor will address public concerns about empty homes and the impact of housing being bought for investment-particularly by overseas buyers-on the availability of homes for Londoners. This will include addressing empty homes by encouraging all councils to levy the empty homes council tax premium and lobbying Government for changes to make it more effective.

The Mayor and Westminster City Council (23 May 2023) called for the Government to devolve the power to set higher rates of council tax on empty homes, The level of council tax for empty homes would be decided by local councils at whatever level they choose, to make it an effective deterrent. They are also urging Ministers to make it easier for councils to put an unoccupied property back into use using established Empty Dwelling Management Orders, (EDMOs) which have been restricted in recent years.

7. Empty homes in Redbridge

Empty property statistics collected by the Department of Levelling Up, Housing and Communities and the Ministry of Housing, Communities and Local Government (Live tables on dwelling stock, Table 615), show a year-on-year increase since 2015 in the number of long term vacant properties, liable for council tax in Redbridge which have been unoccupied and substantially unfurnished for more than 6 months-from 267 in October 2015 to 879 in October 2022. This broadly reflects the regional and national trends. The figure for Redbridge for October 2023 is 850. As of October 2023, there were 20 London Boroughs with more empty properties than Redbridge, and 12 with less. Internal council tax data shows a further increase to 969 as of 1 May 2023. These are made up as follows:

Unoccupied and substantially unfurnished properties-on 1 May 2023 from council tax	
Empty more than 6 months and up to 12 months	398
Empty more than 12 months and up to 24 months	350
Empty more than 24 months and up to 5 years	183
Empty more than 5 years and up to 10 years	27
Empty more than 10 years	11
Total empty more than 6 months	969

These properties require further investigation to determine the intentions of the owners for the future residential use of the property.

Analysis of the latest internal data shows properties becoming empty (i.e., unoccupied, substantially unfurnished) at the rate of more than 200 a month, with more than 80 of these still empty after 6 months.

There are also categories of empty properties which are exempt from council tax as follows (as of 1 May 2023):

Empty properties exempt from Council Tax 1 May 2023	
Where someone is in hospital or residential care	102
Where probate is awaited	459
Within 6 months of probate being granted	50

There has been a significant increase in the number of properties awaiting probate (by comparison there were 96 in April 2012). This is not just a local issue, and a significant factor is a surge in applications since the start of the pandemic. Paper applications have been found to take much longer than digital applications-on average 5 months. Often there are complex legal and tax issues (with more estates caught by Inheritance Tax as property prices have risen). Where an application is stopped by HM Courts and Tribunal Service (HMCTS) because of missing information, the delays are significantly longer.

Other categories, such as occupation prohibited by law, property repossessed, previous occupant receiving care or giving care elsewhere, or in prison, held for a minister of religion or annex unable to be let separately account for a further 28 empty properties.

There are also properties vacant because they are in a poor state of repair (i.e., derelict, and uninhabitable) or undergoing substantial refurbishment work, where the Valuation Office Agency (VOA) has deleted the property from the Council Tax list.

Second homes are liable to full council tax and account for a further 799 unoccupied homes.

8. Council Tax

Since April 2013, powers have been devolved (within specific parameters) to local authorities to vary council tax charges they can make for long term empty properties. Redbridge Council accordingly added a 50% premium to the council tax for properties empty more than 2 years as an incentive to avoid leaving them empty. Until this date there had been some exemptions from council tax available for empty properties being renovated. It is recognised that these changes may have led to a subsequent under declaring of empty properties by owners.

Later legislation (The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018) allowed local authorities to gradually introduce further council tax premiums on empty homes. Redbridge Council (along with many other local authorities) has adopted the maximum premiums so that from April 2021, the premium has been 100% for dwellings that have been empty, substantially unfurnished for between 2 and 5 years, 200% for dwellings that have been empty for 5 to 10 years and 300% (i.e., quadruple the standard rate) for dwellings that have been empty for more than 10 years.

As a further development, the Levelling Up and Regeneration Bill makes provision for local authorities to charge up to 100% council tax premiums in future, on properties empty for more than a year (instead of 2 years) and for empty second homes which are furnished.

At the time of drafting the strategy, it was unclear when this change would take effect. The legislation has since received royal assent and with effect from 1 April 2024 the Council will charge a premium rate of council tax on properties that have remained empty (unoccupied and substantially unfurnished) for over 12 months.

From 1 April 2025 the Council will charge a premium rate of council tax on second homes.

9. Achievements and findings

Where properties were returned to use following intervention by the Council, the vast majority were provided through encouragement and advice and other informal means. A very small percentage (but nevertheless important instances) were returned to occupation through use of grants or through enforcement action using ancillary legislation. (Ancillary legislation can be a means to make a property secure to prevent illegal entry or obtain improvements, as well as being a means to start engagement with the owner, with a view to returning the property to occupation).

Empty properties in the borough as of October 2022 represented just 0.82% of the total housing stock (compared to 0.91% for London and around 1% nationally). From 2019/20, the annual target for empty properties-vacant for 6 months or more-to be returned to use following Council intervention, has been set at 100, to include 20 properties empty for more than 12 months. An additional target was added in 2023, for 5 of those returned to occupation to have been empty for at least 2 years.

- 2019/20: of the 106 returned to use, 49 of these were empty longer than 12 months.
- 2020/21: of the 62 returned to use, 58 of these were empty longer than 12 months.
- 2021/22: of the 94 returned to use, 91 of these were empty more than 12 months.
- 2022/23: of the 103 returned to use, 101 of these were empty more than 12 months.

Numbers returned to use for 2020/2021 (and to a lesser extent 2021/22) reflect the impact of the pandemic and national trends, (restrictions and uncertainty for homeowners, impact on both rental and sales markets, effects on building materials supplies (increased costs and difficulty obtaining) and reduced availability of contractors). For many property owners, the pandemic disrupted their plans and finances, there has been genuine hardship for some - financially and in terms of personal loss. On the other hand, for some it has provided an excuse for lack of action. The ongoing cost of living crisis has been an important factor recently, with costs increasing significantly faster than savings.

Ongoing audits of empty properties (recorded as such with Council Tax) find that a significant proportion are stated by owners or persons responsible, to be occupied. Where owners state the property is occupied and this is clearly evidenced, the case is closed, and details recorded. The information is shared with the Council Tax service to enable their records to be updated, or further checks are to be carried out if required. (It is possible that the cost-of-living crisis is pushing those responsible for newly empty homes to request an exemption from council tax whilst renovations are carried out. Because the tax is still due there is no perceived benefit in notifying the Council Tax service when it comes to moving in, so this could account for "empty" figures being higher than the reality).

Funding from the Greater London Authority, via an East London Sub Region bid (between 2008-2012) resulted in more than £1.2million of performance related backing to support empty property work. Going forward, funding of the current empty property strategy will require review. The available funding held in reserves is £0.402m. There is no additional funding. However, the Council will continue to "horizon scan" for funding streams.

10. Ongoing Strategic Aim and Way Forward

The ongoing aim of the London Borough of Redbridge Empty Property Strategy will be to:

Reduce the number of long-term empty properties in the borough, with no more than 1% empty for more than 6 months, returning at least 100 to occupation each year following Council intervention.

The Council will achieve this by:

- Setting-up and maintaining good relationships to enable effective joint working with other Council services and external partners.
- Seeking to access available funding to support returning empty properties to use.
- Maintaining the current policy to levy council tax premiums for empty properties and continue to remove any financial incentives unless there is a specific exemption.
- Continuing the current proactive rolling programme of mailing out to owners of properties empty for more than 6 months and liable for council tax, as a means of engaging with them, advising of help available, with advice on protecting the property, as well as informing of sanctions if unable/unwilling to return the property to use.
- Providing advice and assistance to empty property owners to enable their homes to be returned to use.
- Using a mix of encouragement, advice and incentives such as availability of grants, as well as enforcement interventions.
- Signposting/referring owners-who are selling/willing to sell their property-to the LBR Regeneration team's Purchase and Repair Programme (see Enabling Action section)
- Signposting/referring owners-who may be able to rent out their properties-to the LBR Acquisitions team and Private Sector Leasing Scheme and Private Rented Sector Scheme (see Enabling Action section).
- Taking enforcement action to address squatting; vandalism; anti-social behaviour and blight and to deal with other issues adversely impacting on the community through the property being empty.
- Engaging through neighbourhood community groups to ask for their input to understand challenges and concerns.
- Regarding commercial properties: identify those which have been standing empty and assess the viability of converting them for residential use and the planning consents needed to enable this.
- Identifying risk assessing and prioritising longer term (12 months or more), problematic and nuisance empty properties, using the full range of informal and formal action to bring them back into use.
- Developing key performance indicators and publicising statistical information on properties returned to habitable use.
- Validating data held by LBR Council Tax service with respect to properties recorded as empty.
- Continually monitoring empty properties in the borough and conducting periodic inspections of empty properties. Site visits are carried out by the Empty Property Officer, and also by Council Tax officers in response to queries, complaints, and referrals. The Empty Property Officer also visits proactively based on length of time empty or concentrating on a particular location for example. Going forward it is proposed for the Empty Property Officer to join Redbridge Action Days where these are based in residential areas and to focus on priority empty homes in the area.
- Promoting the importance of dealing with empty homes as an issue and supporting initiatives such as National Empty Homes Week.

- Encouraging the public to report properties in their neighbourhood that appear to be unoccupied and providing the community with opportunities to report empty homes through the Council's website.
- Publicising the Empty Property strategy once finalised.
- Making sure empty property owners are signposted/referred to the Private Sector Housing Team when they wish to rent out their property in the private rented sector, to ensure that they make the correct property licence application (HMO or Selective) and receive support about being a landlord via the Council's online Landlord and Tenant Zone (www.redbridge.gov.uk/privaterentals)
- The Empty Property Officer working with and informing Private Sector Housing Team Officers on how to signpost/refer owners and landlords to access grants, to reduce the number of empty properties.

11. Intervention Action

Priority for action should be given to those properties which present a public health or statutory nuisance, are an eye sore or a magnet for anti-social behaviour or squatting and those which have remained unoccupied for a prolonged period.

It does not necessarily follow that the longer a property has been empty, the greater the level of intervention required. It is also important to recognise that there is no standard solution to returning empty homes to occupation and measures should be used which are appropriate to all the circumstances.

When dealing with such high priority cases the Council will take the following steps to enable an absent owner to bring their property back into residential use:

- Investigation will be carried out into the history and current situation regarding occupation, using a variety of sources, as appropriate.
- Land Registry and Council tax records will be checked for ownership and owner's address.
- The property will be visited, and neighbours spoken to, to assess the condition, check facts and to understand the background.
- The owner or person responsible will be written to. The letter will outline the powers the Council acts under, the support available and ask:
 - The reason is the property is unoccupied.
 - Intentions on returning the property to use.
 - Any relevant circumstances that restrict or prevent the property being returned to use.

Depending on the response, this could enable dialogue to begin and an action plan with monitoring to be put in place. Alternatively, there will be further escalation of correspondence and attempts to engage with the owner or person responsible.

If no contact is made, the Empty Property Officer will assess the most appropriate action considering all the circumstances relating to the case.

The investigation may identify or confirm anti-social behaviour and/or nuisance issues which are adversely affecting the local community and are associated with the property being unoccupied. These can be dealt with in conjunction with the relevant Council enforcement colleagues, (for example the Redbridge Community Protection Taskforce, Environmental Health, and Planning Enforcement teams). These specific issues can be dealt with by informal action or may result in formal legal action, dependent on the circumstances and the respective enforcement policy, (See Appendix 2 for legislation), with the goal of improving housing

conditions, reducing anti-social behaviour and ensuring that property owners are operating legally.

Where necessary, the Council will use delegated authority under the Local Government (Miscellaneous Provisions) Act 1982 to secure empty properties which are insecure and would allow unauthorised entry or are likely to become a danger to public health.

12. Enabling Actions

Where an owner is finding it difficult to manage their vacant property, the Council will engage with them early to prevent it becoming empty for a prolonged period. The Council will provide advice on the following options:

Renting out an empty property through the Council:

The schemes have inducements such as guaranteed regular rent payments, agreed rental rates, support and advice, inspections, and significant cash incentives.

However, it is recognised that property owners can achieve higher rental income by renting privately, and many owners have concerns about tenants on welfare benefits. This can be mitigated by ensuring that there is a comprehensive inventory and undertaking to return properties to owners in the same condition as initially acquired (subject to fair wear and tear).

These initiatives, if effective, will contribute to easing reliance on temporary accommodation to meet housing needs.

Private Sector Leasing scheme

The Council will lease the property through a lettings agent to rent to tenants. The lease will be for 3 to 5 years.

Private Rented Sector scheme

The Council will find tenants for the property who can rent for at least 12 months. This is for property owners who are willing to take on all management responsibilities (and thereby avoid managing agent fees).

Owners can be signposted to the Council's Housing website, where the information about renting with or leasing to the Council can be found. There is also a link from the Council's Empty Properties web page to the Housing section, to access this information ([Redbridge - Empty properties](#)-see "How can you help me...?")Alternatively, owners can be referred to the Council's Acquisitions Team by sending an e-mail to Private.Lettings@redbridge.gov.uk for a direct response.

Licensing for Private Rental Properties

Where owners of empty properties decide to bring them back into use into the private rental sector, property licensing gives them a framework to follow, including licence conditions, and a route to further support, if they have never been a landlord before. As well as ensuring that they are "fit and proper", the licensing process will help them operate lawfully and give residents confidence that the property will be managed well.

Grant Funding Assistance

Properties may already be in a poor state when they become empty-perhaps the owner was unable to maintain it before selling it or moving out, or tenants have left it in a bad condition at the end of the tenancy. Properties can fall into further disrepair once empty, and owners may be unable to fund all the remedial works.

The Council offers empty property grants to ensure that these properties can be renovated and meet required standards.

Subject to owner contribution, the Council's Home Improvements team can offer financial assistance through the provision of grants to support owners of properties empty for more than 6 months, to renovate and return them to habitable use.

The offer of the grant is conditional on the Council being able to nominate tenants for a minimum of five years, on completion of the works, thereby providing homes for homeless households. The financial assistance terms and conditions were reviewed in negotiation with LBR Housing Needs Acquisitions team in April 2022, to make the grant option more attractive for owners when entering into a Private Sector Leasing agreement. These include guaranteed rent and managing agents funded by the Council.

The grant offers to cover up to 50% of the costs of eligible refurbishment works, dependent on the number of bedrooms, up to a maximum of £40,000, based on a five-year tenancy nomination right.

The Council will utilise its landlord network of over 23,000 registered licensed landlords and agents via the Private Sector Housing Team to raise awareness of the availability of empty property grants for landlords who sign up to the Private Sector Leasing scheme.

Another Empty Property Grant was introduced in 2019 for owner/prospective occupiers, where the property has been empty for at least 5 years and a further 2 options have been proposed (now agreed) in the revised grants policy to make the grant more attractive-one (pro rata) with a condition of 3 years nomination rights for the Council and a smaller one (maximum of £8,000) without nomination rights for 5 years rental, where the property has already been empty for 12 months.

Purchase and Repair

Owners of empty properties subject to disrepair, who are unable to bring them to the market for sale through lack of funds or knowledge, may consider the Purchase and Repair programme funded by LBR Regeneration, Property and Planning. There is also a buyback scheme whereby the Council buys back ex-council stock to increase the housing stock. These initiatives are subject to funds and suitability of properties.

Dealing with the Council is equivalent to having a cash purchaser, there is no chain, and no mortgage is required. The Council usually pay what they consider to be market value and what a seller would probably achieve if marketing via an agent. Dealing directly with the Council can save on substantial agency fees.

This scheme should be actively targeted and promoted by the Housing Needs, Acquisitions team and the Empty Property Officer. Owners can be signposted or referred to the relevant officers in Regeneration.

Other support

Support is also given through:

- Encouragement, help problem solving, advice on a variety of associated issues.
- Signposting to good trader schemes
- Liaising with and obtaining advice from other Council services or signposting (for example Pest Control, Planning)
- Provision of "Empty Property Officer" letter to support claim for reduced rate VAT (5% instead of 20%) for renovations (where unoccupied for more than 2 years)

13. Enforcement Action (See Appendix 2 for legislation)

Where owners are reluctant or unable to bring properties back into use, the Council may use legal powers requiring this. If the property is vacant and there is no reasonable likelihood that this will change, a decision will be made whether it is appropriate to take formal action. Before undertaking any formal decisions, the Council would make comprehensive attempts to engage and work together with owners to discuss all reasonable options that enable a property to be occupied. This will include at least 3 informal letters over a sustained period, detailing help available, attempting to meet at the property to give bespoke advice and informing of sanctions available if the owner does not demonstrate their plans to return the home to use.

All enforcement actions will comply with the Private Sector Housing Enforcement Policy. Councils have extensive powers contained in several legislative acts. None of the three enforcement actions highlighted below will be taken without first consulting with and obtaining the agreement of the Operational Director of Civic Pride and, additionally where a Compulsory Purchase Order is being considered, Cabinet approval. These measures are resource intensive and take time to bring to conclusion. Nevertheless, they should be considered for particularly problematic and long-term empty properties.

The three principal options when considering formal enforcement action are set out below and should be considered carefully:

- Enforced Sales Procedure (ESP)
- Compulsory Purchase Orders (CPO)
- Empty Dwelling Management orders (EDMO)

14. Enforced Sale Procedure (ESP)

Enforced sale is a procedure that allows local authorities to recover any debt, which has been secured by means of a charge on the property.

This occurs if the local authority serves a statutory notice on a property owner requiring works to be carried out, for example, if the building is causing damp to an adjacent property or there is a serious vermin infestation. Often, where the notice is not complied with, the council has the right to carry out works in default and to recover the cost. Some statutes provide that the cost of carrying out the works in default is a charge on the property, for example requiring land to be kept free from rats and mice, and requiring adverse impact caused by condition of land on local amenity to be remedied.

Provisions vary as to when the charge arises, and the type of charge (for example whether it takes precedence over any mortgage).

There is no legal requirement as to the minimum sum that can be recovered, but the expectation is that it would be proportionate to the value of the home and matters would be dealt with on a case-by-case basis.

For other debts to the council such as council tax arrears and care home fees there is a different Enforced Sale Procedure based on an application to the County Court and Order for Sale. These are instigated by LBR Revenues, Benefits and Transactional Centre.

15. Compulsory Purchase Order (CPO)

Compulsory Purchase Order may be used where the council has used a range of methods to bring a property back into use but failed. The Council must demonstrate a compelling case in the public interest and that other methods have been used and failed.

This action will be subject to a decision by Cabinet which will consider a detailed report of the actions taken that have led up to the recommendation for this action.

Circumstances where this action may be taken include:

- Where the property has been empty for 3 years or more and there is little prospect of it being brought back into use;
- The condition of the property is having an adverse effect on adjoining properties.
- The property attracts significant anti-social behaviour or illegal activities.
- Where the property has been squatted and there is a real risk of this re- occurring.

Such action will need the commitment of the Council's legal services as well as the necessary finance.

Authorisation of the Secretary of State is required. Any public inquiry is at the expense of the local authority. The Council must pay the owner market value for the property and-unless certain notices are served-could also have to recompense the owner for disturbance and basic home loss payment. The property must be used as a home, and it is common for such properties to be sold quickly at auction.

16. Empty Dwelling Management Order (EDMO)

A local authority can apply to the Residential Property Tribunal (under the Housing Act 2004) for an interim EDMO. The Tribunal has to be satisfied that a property has been wholly unoccupied for more than 2 years, there is no reasonable prospect of it becoming occupied in the near future and if an interim EDMO is made, there is a reasonable prospect that it will become occupied, also that the authority have consulted with the proprietor, any prescribed requirements have been complied with and it is not satisfied that the case falls within a prescribed exception (such as awaiting probate).

An interim EDMO lasts for a year during which time the local authority must try to work with the owner to get the property back into use. If no agreement is reached the local authority can make a final EDMO which can last up to seven years. Final EDMOs can be extended on application to the Tribunal.

Before making the final EDMO, the authority must inform the owner of the management scheme detailing how the authority intends to manage the property including works it intends to undertake, estimates of costs, and rent to be charged. There are financial consequences for the local authority if market rate is not paid.

The final EDMO grants an Authority right to possession and occupation as a leaseholder.

The Authority become a de facto lessee, and consequently responsible for any terms of a lease, such as ground rent, service charges and insurance. (EDMOs may prove costly when applying to leasehold properties).

If considering an EDMO, the Local Housing Authority must also consider costs to make a property decent for habitation, storage of possessions and furniture, and management costs, including fully open accounts on income and expenditure. The Authority may also be required to make compensation payments to any third party holding an interest in the property.

On termination of an EDMO the Authority must pay excess expenditure to the proprietor or collect recoverable costs as a local land charge.

17. Enforcement Conclusion

There are difficulties in the use of some of the above legislative options available to councils.

Although introduced specifically to address the problems related to empty properties, Empty Dwelling Management Orders (EDMOs) are recognised as challenging to implement and remain a risky and financially restrictive option. They can only be undertaken after two years empty, where the dwelling has been causing a nuisance for the community and rely on infrastructure of building contractors and management arrangements being available. One of the recommendations from the Pretty Vacant report was: "Where owners don't co-operate, councils need enhanced powers to bring property into use, including improvements to Empty Dwelling Management Orders to allow them to be more effectively utilised".

Compulsory Purchase Orders are more prescriptive and can only be undertaken for specific purposes. They are complicated, lengthy, and similarly financially restrictive.

Enforced Sale Procedure (ESP) is a more practical solution where appropriate circumstances apply, such as recovery of costs for works in default under the Environmental Protection Act 1990, for example. Further joined up working with Financial Services could also be considered in relation to Enforced Sale for recovery of council tax debts, or care home costs.

A study of work undertaken by a consortium of 12 local authorities in Kent, working together to bring empty properties back into use, ("No Use Empty" initiative), reviewed actions taken across the partnership. The study found that only 3% of properties were brought back into use using enforcement action. 11% of properties were brought back into use using the threat of enforcement action, 6% of properties were brought back into use using grant aid, and 58% of properties were brought back into use using a combination of advice and guidance. <https://www.no-use-empty.org.uk>).

In general, it makes sense to exhaust other options before taking a statutory approach. This means engaging with owners and working with them to understand why properties are empty and finding tailored solutions to bring them back into use. Negotiation with property owners and the "threat" of enforcement action remain the Council's most resource effective approach.

18. Monitoring and Review

The Empty Property Strategy is an important element of the Redbridge Housing Strategy Plan. The effectiveness and delivery of the Strategy will be monitored quarterly by assessing progress against the achievement of the strategic aim. Any new trends will be identified, and appropriate action taken to ensure the Council's target is achieved.

19. Our partnering services and external agencies

London Borough of Redbridge:

- Revenues, Benefits and Transactional Centre
- Private Sector Housing
- Housing Needs Acquisitions
- Finance, Client Services
- Regeneration, Property and Planning
- Planning
- Building Control
- Community Safety
- Community Protection Taskforce
- Neighbourhood Street Scene
- Pest Control
- First Contact and Health and Social Services (HASS)
- Metropolitan Police
- London Fire Brigade
- Immigration Enforcement

20. Read in conjunction with:

The Empty Property Strategy should be read in conjunction with the following:

- Empty Property Procedure 2023
- Housing Strategy 2023
- Private Sector Housing Enforcement Policy 2023
- Home Improvements and Disabled Adaptions Policy 2023
- Enforced Sale Procedure (ESP)
- Compulsory Purchase Order (CPO) Procedure
- Empty Dwelling Management Order (EDMO) Procedure

21. Sources and useful websites

Housing Strategy 2023: [Housing Strategy 2023-2028 \(redbridge.gov.uk\)](https://redbridge.gov.uk/housing-strategy-2023-2028)

Repurposing Empty Spaces to Help Address the Housing Crisis Across England, Scotland, and Wales" produced by the Empty Homes Network (May 2021):

[Final Paper Structure \(habitatforhumanity.org.uk\)](https://habitatforhumanity.org.uk/final-paper-structure)

Redbridge Plan [the-redbridge-plan-2022-26.pdf](https://redbridge-plan-2022-26.pdf)

Gov.UK Statistical data sets:

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

How Life has Changed in Redbridge: Census 2021:

<https://www.ons.gov.uk/visualisations/censusareachanges/E09000026/>

Action on Empty Homes:

<https://www.actiononemptyhomes.org/publications-and-research>

Mayor of London's Housing Strategy 2018

[London Housing Strategy](#)

Press Release 23 May 2023:

[Mayor of London and Westminster City Council call for stronger powers to crack down on long-term empty properties in London | London City Hall](#)

Kent "No Use Empty" initiative

<https://www.no-use-empty.org.uk/>

"Pretty Vacant" report on access to housing in London by Action on Empty Homes (April 2020)

<https://www.actiononemptyhomes.org/pretty-vacant>

London Borough of Redbridge Website-Empty Properties:

[Redbridge - Empty properties](#)

Appendix 1 statistics

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Redbridge Empty Properties -All long-term vacant	284	267	274	462	457	594	657	706	879

Source: Department of Levelling Up, Housing and Communities and the Ministry of Housing, Communities and Local Government (Live tables on dwelling stock, Table 615)

Comparable figures for London were 34,327 and nationally were 248,149 as at October 2022

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Redbridge Empty Properties-All vacant	1,162	1,293	1,241	1,359	1,735	1,875	1,913	2,176	2,362

Department of Levelling Up, Housing and Communities and the Ministry of Housing, Communities and Local Government (Live tables on dwelling stock, Table 615)

Comparable figures for London were 89,508 and nationally were 676,304 as at October 2022

Year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Redbridge Empty Properties Returned to Use	71	109	107	71	120	106	62	94

Source: LB Redbridge internal data

Appendix 2 Enforcement Legislation

Enforcement Legislation

Problem	Legislation	Power Granted
Dangerous or dilapidated buildings or structures	Building Act 1984 s77, 78 and 79	To require the owner to make the property safe (S77) or enable the local authority to take emergency action to make the building safe (S78) To require the owner to repair, restore a dilapidated building which is detrimental to the amenity of the neighbourhood (S79)
	Housing Act 2004 Part I	Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within homes and take appropriate enforcement action
Unsecured homes (where it poses the risk that it may be entered or become a danger to public health or suffer vandalism, arson or similar)	Building Act 1984, s78	To allow the local authority to fence off the property.
	Local Government (Miscellaneous Provisions) Act 1982, s29	To require the owner to take steps to secure a property otherwise the local authority will do so and recover costs
Blocked or defective drainage or private sewers	Local Government (Miscellaneous Provisions) Act 1976, s35	To require the owner to address obstructed private sewers
	Building Act 1984, s59	To require the owner to make satisfactory provision for drainage of the building
	Public Health Act 1961, s17	To require the owner to address defective drainage or private sewers
Vermin (where it is either present or there is a risk of attracting vermin that	Public Health Act 1961, s34	To require the owner to remove waste so that vermin is not attracted to the

may detrimentally affect. people's health)		site, destroy any infestation, and remove any accumulations prejudicial to health
	Prevention of Damage by Pests Act 1949, s4	
	Public Health Act 1936, s83	
	Environmental Protection Act 1990, s80	
	Building Act 1984, s76	
Unsightly land and property affecting the amenity of an area	Public Health Act 1961, s34	To require the owner to remove waste from the land
	Town and Country Planning Act 1990, s215	Requiring steps to be taken to remedy the adverse impact on the local amenity caused by the condition of land
	Building Act 1984, s79	To require the owner to address an unsightly building or the external appearance of a property
Anti-social Behaviour	Anti-social Behaviour Act 2003 Parts I&II	Closure Orders for crack-dens, illegal brothels and premises with persistent disorder or nuisance Generally used by the Police
	Anti-social Behaviour, Crime and Policing Act 2014 Community Protection Notices	To prevent an owner's persistent, continuing, or unreasonable behaviour having a negative impact on the local community's quality of life
Squatting	Legal Aid, Sentencing and Punishment of Offenders Act 2012, s144	Makes squatting a criminal offence. Police have powers of arrest
Recovery of debts against a property	Law of Property Act 1925, ss101 & 103	To apply to recover debts secured as a legal charge after work in default carried out

Homes empty for over 2 years and causing nuisance in the community	Housing Act 2004 ss133- 138 Schedule 7	To apply for an Empty Dwelling Management Order (EDMO) to enable the local authority to take over the management of eligible empty homes, to bring them back into use
Long-term empty homes where no traceable owners, or where all efforts to return the property to use have been exhausted	Housing Act 1985 s17 Also Town and Country Planning Act 1990 s 226	To seek to acquire a property under a Compulsory Purchase Order (CPO)