

**NORTH LINCOLNSHIRE COUNCIL**

**HOUSING & STRATEGIC PLANNING  
CABINET MEMBER**

**INTRODUCTION OF A RISK BASED APPROACH TO TACKLING EMPTY  
PROPERTIES USING AN EMPTY PROPERTY TOOLKIT**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek the Cabinet Member's approval for the introduction of an empty property toolkit and risk assessment approach to target resources efficiently to bring empty properties back into use.

**2. BACKGROUND INFORMATION**

- 2.1 There are many reasons why people leave their principal home vacant whilst being resident elsewhere. For example the owner may have taken on the responsibility as a full time carer elsewhere or the property may be a holiday home or undergoing repair or alteration. Such situations are not a concern. Rather, it is those properties that have to all intents and purposes been abandoned by their owner and there is no good reason for them not being occupied that merit attention.
- 2.2 There are often significant underlying factors at work, such as disrepair, which prevent some homes being occupied. It is certainly not the intention that owners will be penalized for failing to bring a property back into use but there needs to be a recognition that an empty, abandoned property can impact significantly on the community and the housing around it.
- 2.3 An empty property can attract anti-social behaviour and vandalism. It can often become an eyesore and studies show that the house prices of neighbouring properties can be significantly lowered.
- 2.4 The number of long term 'empties' (empty for over 6 months) in both the social and private sector are recorded and reported annually to Central Government.
- 2.5 In 2008/9 the total figure for long term empty properties in the private housing stock was 893, in 2009/10 this figure was 770 and as at 30 September 2010, the figure stood at 773. For the public sector, this figure is 92.

- 2.6 Overall, the total figure for the number of empty properties across both the public and private sector at the end of September was 865 (1.2% of the housing stock). This is better than the Humber figure, which is currently 2%.
- 2.7 It is now possible, using the Council's Council Tax records and Geographic Information System (GIS), to illustrate those wards with the greatest concentration of empty properties.
- 2.8 An Empty Property Toolkit has also been developed, which provides a framework to the Housing Standards and Performance team to enable long term 'empties' to be risk assessed and a procedure to be followed to bring them back into use. The toolkit is attached as appendix 2 of this report.
- 2.9 It is acknowledged that for the housing market to function effectively and for homes to be bought and sold, there will always be a certain proportion of the housing stock that is vacant at any given time. The intention is therefore to concentrate on those properties that have been empty for 6 months or longer.
- 2.10 The objective of the toolkit is to persuade owners in these circumstances to voluntarily bring the property back into use and where such an agreement cannot be obtained, to use the measures available to the council to secure occupation.
- 2.11 The Human Rights implications of these measures will, of course, be considered on a case by case basis but the rights of owners to do as they choose with their property must be balanced against the rights of other property owners and the wider community in which they reside.
- 2.12 Above all, the adoption of the toolkit and risk assessment sends out a clear message to property owners that, by leaving homes idle for long periods of time without good reason, they could ultimately risk losing their right to make decisions about how the property is managed. The emphasis however will remain with voluntary measures wherever possible to secure reoccupation.
- 2.12 By mapping all empty properties by area, it is possible to look at those communities particularly blighted by this problem and target resources accordingly.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option one – To adopt the empty property toolkit and risk assessment approach. To undertake an annual review and mapping exercise to identify those areas and properties to be targeted and to coordinate action.

- 3.2 Option two – To continue with the current ad hoc approach to dealing with long term empty properties.

#### **4. ANALYSIS OF OPTIONS**

- 4.1 Option one – This is the preferred option, giving a coordinated and integrated approach to dealing with empty properties on the basis of an agreed risk assessment.
- 4.2 Option two – maintains the status quo but fails to assess the risks associated with particular properties or the impact on communities where there are significant numbers of empty properties.

#### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 Financial Implications – Option one – there could be financial implications where informal measures fail and formal action has to be taken but such costs would need to be considered on a case by case basis and factored in when the most appropriate course of action is being considered. For certain courses of action, agreement will be required from the Service Director Neighbourhood and Environment and also a further cabinet report.
- 5.2 Staffing Implications – Option one – This work is already undertaken, although currently in an ad hoc and uncoordinated way, and forms part of the core work of the Housing Standards and Performance Team.
- 5.3 IT Implications – Option one - mapping the empty properties uses the Council's existing GIS.

#### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 Statutory Implications – Option one – the toolkit outlines not only the informal, but the formal and statutory action available to deal with empty properties and secure their reoccupation. Use of the toolkit will make the whole process more transparent to owners.
- 6.2 Environmental Implications – Option one – bringing an abandoned empty property back into use will have a positive environmental impact.
- 6.3 Section 17 – Crime and Disorder Implications – Option one – bringing an empty property back into use will have positive implications for crime and disorder by discouraging various forms of antisocial behaviour.

#### **7. OUTCOMES OF CONSULTATION**

- 7.1 This report has been sent to Legal and Democratic Services and Finance for comments. Finance confirmed that for certain courses of formal action,

a full report to the Cabinet Member on the options available and the recommended course of action will be necessary. This report will include the details of the financial implications for the particular course of action.

## **8. RECOMMENDATIONS**

- 8.1 To approve the introduction of the Empty Property Toolkit and risk assessment based approach to bringing empty properties back into use.

SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

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**Background Papers used in the preparation of this report - None**

**Empty Properties Procedure**

<b>Stage</b>	<b>Task</b>	<b>Lead responsibility</b>	<b>Who else involved</b>	<b>Linkages / dependencies</b>	<b>Timescales</b>	<b>Monitoring</b>
1.1	Informal action Identify empty property or properties which require action to bring them back into use and meet the criteria set out in the Empty Homes Delivery Plan	Housing Standards Team	Housing Strategy Team, Housing Advice Team Environmental Services Other Council departments or public sector agencies	May be identified from Council Tax records, or as a result of a referral from ward councillor, neighbour, other department or service, etc		Record on Civica
1.2	Carry out external inspection of the property, and speak to neighbours to identify any issues with disrepair or nuisance arising from the condition of the property, fly-tipping, anti-social behaviour etc as part of the evidence for the case	Housing Standards Team			Within 14 days of identifying priority empty property	Action date entered in Civica and monitored
1.3	Investigate ownership: <ul style="list-style-type: none"> <li>• Land Registry</li> <li>• Empty Property/Civica database</li> <li>• Council Tax</li> </ul>	Housing Standards Team	Council Tax, Legal Services, Property Services / Surveying, Land			

<b>Stage</b>	<b>Task</b>	<b>Lead responsibility</b>	<b>Who else involved</b>	<b>Linkages / dependencies</b>	<b>Timescales</b>	<b>Monitoring</b>
	<ul style="list-style-type: none"> <li>• Neighbours</li> <li>• Other departments, services or agencies</li> <li>• Requisition for Information notice</li> <li>• Notice on property</li> </ul>		Charges. Planning, Building Control			
1.4	Refer any matters that require attention from other services for action as appropriate	Housing Standards Team	Housing Advice Team Environmental Health		Within 48 hours of carrying out the inspection	Action date entered in Civica and monitored
1.5	Take any action required to deal with immediate action where the Housing Standards Team has powers to take such action	Housing Standards Team			Dependent upon the action, but must be commenced within 7 days of inspection	Action date entered in Civica and monitored
1.6	Gather evidence of impact on other Council and public services including fire, police, Environmental Services etc	Housing Standards Team			Commence within 7 days of inspection	Action date entered in Civica and monitored
1.7	Obtain details of any outstanding debts against the property in favour of the	Housing Standards Team	Finance Land Charges Environmental		Commence within 7 days of	Will be required for the options

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring
	Council, and the circumstances in which they have been registered including details of any work in default and legislation used		Services Planning Services Building Control		inspection	appraisal stage
1.8	Consider whether the owner and/or the property qualify for any financial or other assistance e.g. empty property loan	Housing Standards Team	Property Improvements Team	Empty property toolkit, private sector renewal policy	Within 7 days of receiving such information from the owner to enable this to be considered	Will be required for the options appraisal stage
1.9	Write to owner to ascertain reasons why the property is empty and their aspirations / plans for bringing it back into use and include Empty Property questionnaire. Invite the owner to contact you to discuss their proposals, and offer to provide advice and support to return it to use	Housing Standards Team		Refer to private sector renewal policy Dependent upon being able to establish ownership	Within 7 days of obtaining ownership details	Action date entered in Civica and monitored Will be required for the options appraisal stage

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring	
1.10		Follow up to try to engage with the owner to provide advice and support on options and plans for bringing it back into use, and send further copy of Empty Property questionnaire	Housing Standards Team			After 28 days of initial letter if no contact received	Action date entered in Civica and monitored
1.11		Liaise with other Council departments to explore other supporting action eg loss of any Council Tax discount, other enforcement powers, debt recovery etc	Housing Standards Team	Council Tax Planning Services Building Control Finance	This should be carried out alongside the informal action and letters that are sent to the owner and may require a number of meetings etc	Alongside other informal actions	Will be required for the options appraisal stage
1.12		Send third letter to owner, with further copy of questionnaire, giving a final 7 days to respond before starting enforcement action	Housing Standards Team			After 28 days of letter 2 if no contact received	Action date entered in Civica and monitored
2.1	Engaging with the owner	Arrange a meeting with the owner at the property	Housing Standards Team	Representatives from any other service as appropriate eg fire service if	Dependent upon owner making contact with the officer	As soon as possible after contact from the owner	Will be required for options appraisal stage

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring
				there is a history of arson		Civica actions will require an action by a particular date
2.2	<p>Meet with owner at the property:</p> <ul style="list-style-type: none"> <li>• outline the problems the property is causing in the area</li> <li>• discuss any proposals for bringing back into use and timescales</li> <li>• provide verbal feedback on whether proposals are realistic and timescales are reasonable</li> <li>• provide advice on possible solutions eg sale, lease via an RSL, Rental Bond scheme</li> <li>• outline possible enforcement options including EDMOs, ESP &amp; CPO</li> </ul> <p>Make notes of what was</p>	Housing Standards Team	Representatives from any other service as appropriate eg fire service if there is a history of arson	Dependent upon the owner being willing to meet with the officer	As soon as possible after contact from the owner	Will be required for options appraisal stage

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring
	discussed					
2.3	Carry out inspection of the property during meeting with the owner in order to determine what works would be required to bring it to a standard suitable for occupation.	Housing Standards Team	Representatives from any other service as appropriate e.g. fire service if it could be a HMO, or planning service if planning permission may be required	This information will be required when carrying out the options appraisal and determining which enforcement option is most appropriate	During meeting with property owner at empty property	Will be required for options appraisal stage
2.4	Send follow up letter to owner with the details of what was discussed and request written details of any plans they have to bring the property back into use within 14 days	Housing Standards Team			Within 48 hours of meeting	Will be required for options appraisal stage and case file for any eventual enforcement action
2.5	Send follow up letter to owner if no response giving another 14 days to provide the information otherwise enforcement action will be	Housing Standards Team			If no response within 14 days of initial letter	Civica actions will require an action by a particular

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring	
		considered, If no response move to 'options appraisal' and 'formal action' stages			after meeting	date	
2.6		Maintain contact and dialogue with neighbours and other services about the impact of the property, and keep them advised of progress	Housing Standards Team		Ongoing throughout process of engaging with owner	Will be required for options appraisal and case file for any eventual enforcement action	
3.1	Agree proposals and timescales with owner and monitor progress	If information received from owner confirming their plans, consider: <ul style="list-style-type: none"> <li>• proposed method of bringing back into use</li> <li>• any proposed timescales</li> <li>• extent of any work proposed</li> <li>• owner's ability to fund any works</li> <li>• any other relevant factors</li> <li>• gather any evidence to confirm owners plans eg sale or letting advertisements,</li> </ul>	Housing Standards Team	Liaise with planning or Building Control for advice if planning permission or building regulations approval may be required Liaise with fire service if property will be a HMO	Liaise with planning, building control etc as appropriate to check whether owner has applied for any relevant approvals	Within 2 weeks of receipt of information from the owner	Will be required for options appraisal and case file for any eventual enforcement action

<b>Stage</b>	<b>Task</b>	<b>Lead responsibility</b>	<b>Who else involved</b>	<b>Linkages / dependencies</b>	<b>Timescales</b>	<b>Monitoring</b>
	<p>applications for planning or building regulation approval</p> <p>and make assessment of how realistic and reasonable the proposals are</p>					
3.2	<p>Write to owner and agree proposed timescales for proposed actions, and outline milestones that will be reviewed to monitor progress</p>	Housing Standards Team	Other services as identified in 3.1 above, as appropriate		Within 2 weeks of receipt of information from the owner	Will be required for options appraisal and case file for any eventual enforcement action
3.3	<p>If proposals and timescales are not considered realistic and/or reasonable write to the owner advising of this and provide 14 days to come forward with alternative proposals or the Council will consider the use of enforcement action. If no response move to 'options appraisal' and 'formal action' stages</p>	Housing Standards Team		Move to stage 4 if required	Within 2 weeks of receipt of information from the owner	Will be required for options appraisal and case file for any eventual enforcement action

<b>Stage</b>	<b>Task</b>	<b>Lead responsibility</b>	<b>Who else involved</b>	<b>Linkages / dependencies</b>	<b>Timescales</b>	<b>Monitoring</b>
3.4	Liaise with owner and carry out visits to property at agreed milestones to check progress	Housing Standards Team	Other services as identified in 3.1 above, as appropriate		In accordance with agreed milestones	Action dates to be entered onto Civica
3.5	If milestones are not being met, arrange meeting with owner at the property and discuss progress and their plans for getting work back on target, and take view on whether this is likely to happen	Housing Standards Team	Other services as identified in 3.1 above, as appropriate		Within 7 days of any unmet milestones	Action dates to be entered onto Civica
3.6	Agree revised milestones with owner in writing and monitor. Follow process from 3.2 again	Housing Standards Team		Revert to stage 3.2 if required	Within 7 days of meeting at the property	Action dates to be entered onto Civica
3.7	Maintain contact and dialogue with neighbours and other services about the impact of the property, and keep them advised of progress	Housing Standards Team			Ongoing throughout process of engaging with owner	Will be required for options appraisal and case file for any eventual enforcement action
3.8	If no reasonable progress is being made, or the owner's	Housing Standards		Move to 4.1	Within 7 days of any	Action date to be

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring	
		proposals are no longer realistic or reasonable due to lack of progress or changed circumstances, commence 'options appraisal' and 'formal action' and advise owner of this in writing	Team			unmet milestones	entered onto Civica
4.1	Options appraisal	Carry out options appraisal of possible ways of bringing the property back into use: <ul style="list-style-type: none"> <li>• service of notice</li> <li>• EDMO</li> <li>• enforced sale</li> <li>• CPO</li> </ul> Also consider whether voluntary acquisition is an option if the owner wishes to sell, or whether any RSLs would be willing to purchase the property	Housing Standards Team	RSLs		Within 14 days of failing to reach agreement with owner or determining that there is insufficient progress	Action date to be entered onto Civica Enforcement action will require the Council to demonstrate that it has acted expediently
4.2		Carry out internal inspection of the property if not already carried out	Housing Standards Team			Arrange this when commencing the options appraisal stage	Will be required for options appraisal
4.3		Gather any additional	Housing			Gather /	Will be

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring
	information or evidence that is required that has not already been gathered that needs to be considered as part of the options appraisal	Standards Team			request this when commencing the options appraisal stage	required for options appraisal
4.4	Continue to engage with the owner, both in writing and verbally, to attempt to have the property returned into use.	Housing Standards Team			Ongoing throughout the options appraisal process	Will be required for options appraisal and case file for eventual enforcement action
4.5	Arrange case conference with other services or agencies if required before agreeing course of action, or in order to agree a multi-agency/service approach	Housing Standards Team	Legal Services Other Council departments Police, Fire Service etc as appropriate		Before agreeing course of action to be followed	
4.6	Determine which enforcement action is most appropriate given all the circumstances of the case and the powers available to address the issues, and agree this with the Housing	Housing Standards Team			Within 28 days of failing to reach agreement with owner or	Action date to be entered onto Civica Enforcement action will require the

Stage	Task	Lead responsibility	Who else involved	Linkages / dependencies	Timescales	Monitoring
		Standards Manager			determining that there is insufficient progress	Council to demonstrate that it has acted expediently
5.1	Formal action	Collate and prepare case file demonstrating all reasonable attempts have been made to bring the property back into use by agreement and including details of all actions taken to date	Housing Standards Team		This will be required in order to demonstrate the proposed option and agree this with the Housing Standards Manager	At same time as determining most appropriate action and agreeing this  Will be required for proposed enforcement action file
5.2		Commence formal action in accordance with the outcome of the options appraisal	Housing Standards Team		Refer to relevant procedure / guidance as appropriate	In accordance with timescales in relevant procedure for chosen enforcement action

## **Empty Properties**

This guidance sets out the process that is to be followed when dealing with empty properties in order to understand the reasons why the property is empty, and any plans the owner may have to bring it back into use.

It then sets out what officers should consider in making decisions about how best to bring the property back into use, through advice and assistance, or ultimately through enforcement.

### **Trace the owner**

The first steps will be to trace and contact an owner, if this is not already known. Officers should use a combination of the following in order to make reasonable attempts to identify and trace the owner:

- Land Registry (On Line Service);
- Empty Property Database (on Civica);
- Neighbours;
- Council Tax (last payer);
- Property files;
- Other Council departments and agencies.
- Serve a Requisition for Information Notice under the Local Government (Miscellaneous Provisions) Act Sec 16 on any person that is identified as having a connection with the property, for example mortgage company, previous owner, previous occupant etc;
- Fix a notice to the property

### **Gather information on the impact of the property**

Officers must contact other relevant Council departments and agencies such as Environmental Health, Neighbourhood Management, the Police, Fire Service etc and request information on any action or issues that they have had with the property. This could include issues with fly-tipping, arson or anti-social behaviour.

This will help to support any enforcement action that may be taken at a later date, but will also give an understanding of the nature of the problems that the property is causing.

If an owner is identified, the Technical Officer should contact them to ask for information on the reasons why the property is empty, what the owner's plans to return it to occupation are, to offer advice, to clarify the problems the property poses, and discuss and offer potential solutions. Advice and potential options may include:

- Voluntary sale or leasing, either privately, or to an interested RSL;

- Information on the consequences of leaving the property empty, including its likely market value depreciation, loss of rental income, impact on adjoining or adjacent properties and their occupants, and the effect on the wider neighbourhood
- The potential availability of any loans to repair the property;
- Advice about letting and becoming a landlord;
- Advice on selling the property.

The condition of the property and any impact on immediate neighbours as well as the wider neighbourhood will be relevant factors in determining which advice and options may be appropriate.

The response from any owner, and their apparent willingness or otherwise to work with the Council will also be relevant in determining how long officers should spend attempting to work with the owner to persuade them to bring the property back into use before considering more formal action.

### **Contact the owner**

The officer must contact the known or suspected owner of the property and request details of why the property is empty and what plans, if any, they have to bring it back into use. This must include information about the range of enforcement powers that are available to the Council. If the EDMO route may be used at a later date, it is important that the Council can demonstrate that it has given as much information about the use of this as a potential enforcement option, and given the owner an opportunity to advise the Council if the property falls into one of the exempted categories.

A sample letter is therefore provided at **Appendix 1** which meets this requirement, along with a questionnaire which asks the owner to provide information on the reasons why the property is empty and what their plans are for it. The questionnaire includes specific questions to ascertain whether any of the exemption criteria may apply.

If no response is received after 28 days, a follow up letter should be sent, along with another copy of the questionnaire. A sample letter is provided at **Appendix 2**.

A third letter should be sent after a further 28 days, together with a further copy of the questionnaire, giving the owner seven days to respond before the use of enforcement powers will be considered. **Appendix 3** provides a sample letter.

Liaison with other departments and agencies, particularly those with an enforcement or financial role, should also be considered, together with any other legitimate means to put pressure on the owner to deal with the property. For example:

- Other Departments' enforcement actions (especially Planning, Building control and Highways);
- Exemptions or relaxations for Council Tax payment should be reconsidered;
- Debt recovery processes should be actively chased;
- Involvement of mortgage lenders if property mortgaged (e.g. breach of occupation conditions, validity of buildings insurance policy).

### **Working with the owner**

If the owner responds to any of the letters and provides information which indicates that they are intending to bring the property back into use, the officer must try to arrange a meeting with him/her at the property in order to discuss their proposals.

As much information should be gathered about their proposals, the likely timescales for when certain milestones will be met, and whether these are realistic. The owner must be requested to confirm their proposals in writing, and provide as much evidence to support their assertions as possible, for example building contracts with a contractor, application for planning permission, press cutting advertising the property for rent etc.

The officer must consider the proposed timescales, and how deliverable they are, and whether they are reasonable. If the officer is satisfied that they are realistic and reasonable a letter should be sent to the owner setting out the milestones that he/she has said they are working to and advising that the Council will monitor progress against them to ensure that progress is being made to return the property to use. If it becomes clear that the required and agreed progress is not being made, the officer must advise the owner that they are considering the enforcement options that are open to the Council.

If the officer considers that the proposals are unrealistic (for example timescales are unachievable, or the owner has no demonstrable means of paying for required improvements) or unacceptable (for example the owner is proposing a lengthy timescale for carrying out small steps), they must write to the owner advising of this and providing them with a further opportunity to come forward with alternative proposals within 28 days. If there are still no realistic proposals after this time, the officer must advise the owner that they are considering the enforcement options that are open to the Council.

### **Assessing and determining the most appropriate course of action**

If there is no agreement with the owner about how the property can be brought back into use within a reasonable timescale, or if the owner is failing to meet agreed milestones, the officer must then consider the formal enforcement options that are available to the Council.

The options include:

- **Service of notice** under a range of powers to require the owner to carry out repairs or improvements to address the poor condition or amenity of the property. Potential powers include:
  - **Housing Act 2004** if there are hazards that present a risk to neighbours or those who may be expected to visit the property;
  - **Environmental Protection Act 1990** if the condition of the property is such that it is causing a statutory nuisance;
  - **Building Act 1984** if the building is dangerous, or if it is unsightly and is adversely affecting the amenity of the area;
  - **Town and Country Planning Act 1990** if the property is unsightly and affects the amenity of the area;
- Making an **Empty Dwelling Management Order** to try to work in agreement with the owner to bring the property back into use, and ultimately to take over the management of the property for up to seven years;
- Using the **Enforced Sales Procedure** if there are outstanding debts, to recover the debts and to force the sale of the property in the hope that a new owner will carry out any required improvements and bring it back into use;
- Making a **Compulsory Purchase Order** to acquire the property and ensure its reuse or redevelopment.

The use of the last three options should be considered ultimate sanctions only to be used as a last resort after all other attempts to bring the property back into use have been exhausted.

Officers should consider whether it is appropriate to use enforcement powers to improve the condition or amenity of the property in the first instance, and if so whether this will be likely to prompt the owner to take action and have the property re-occupied. Such action may be appropriate where an owner has expressed a willingness to undertake works, or has even made some steps to improve the property, but has not carried this through to completion. In such circumstances, a formal Notice may provide the impetus to take action. However, officers must bear in mind that if they serve Notice and it is not complied with, they should then follow this up with work in default or prosecution.

If the property is in a condition where it is impacting on the occupiers of neighbouring or adjoining properties, or if it is detracting from the amenity of the area, it may be appropriate to serve a relevant enforcement Notice in order to deal with that particular issue pending the longer term resolution of the empty property. This may also help to facilitate the use of certain courses of action further down the line, for example the Enforced Sales Procedure (ESP), and will provide additional evidence of the ongoing problems associated with the property in order to support other action.

In reaching a decision about whether to use the ESP, make an EDMO or a CPO, officers should consider the following:

- Whether the owner is known, and if so whether they are absent;
- The history of the property's vacancy so far including involvement with the property from a range of departments, e.g. outstanding debt on Council Tax, planning issues, outstanding debt from enforcement, impact on Environmental Services including removal of fly-tipping etc;
- The amount of any debt that is outstanding against the property, whether this has been registered as a local land charge, and the legislation that led to the debt;
- Whether the owner has shown any willingness to work with the Council or respond to correspondence etc;
- Whether the owner has taken any steps to return the property to use which would indicate that they may co-operate if an EDMO was made;
- Whether the property falls into an EDMO exception category as this would exclude it from such a course of action;
- The prospects for occupation, including data from the housing needs register;
- The potential extent and cost of work necessary for occupation
- The potential rent that could be achieved if the property was let either on a market or a social rent basis;
- The impact that the empty property is having on the wider neighbourhood, and what is likely to happen if the property remains empty;
- The availability of Council resources to support action to bring the property back into use, for example funding to acquire a property through a CPO, funding to carry out improvements to a property that may be made the subject of an EDMO, etc.

It is likely that an internal inspection will be necessary in order to make an assessment of the potential costs that would be required to make a property fit for occupation, and the officer should write to the owner and ask that they meet them at the property at a particular time and date to allow them access. If the owner fails to respond, or refuses access, the Council has the power to enter any property that may, in its view, be a candidate for an EDMO under Section 239(1)(a) of the Housing Act 2004, and in such circumstances the officer should then apply for a warrant to enter the property.

If there are outstanding debts of over (£XXX subject to further consultation) the officer should consider the use of the Enforced Sales Procedure in the first instance. This course of action does not require significant capital funding or other resources on the part of the Council and is a cost efficient way of bringing about a change in ownership of the property which it is hoped should then trigger repairs and the re-occupation of the property. It also has the advantage of recovering outstanding debt for the Council. Should this course of action be ultimately unsuccessful, the Council will have at least recovered outstanding debts.

The Enforced Sales Procedure should be used to guide further action in this regard.

If it is determined that the Enforced Sales Procedure is not suitable or cannot be used, the officer must consider the use of an EDMO. This does not require the Council to have the capital resources to fund the acquisition of the property, although it is likely that it will ultimately need to be able to fund any repairs that are necessary in order to make the property fit for occupation.

The EDMO procedure should be used to guide further action in this regard.

If it is determined that the use of an EDMO is not viable, officers must proceed to consider the making of a CPO.