

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

8 DECEMBER 2021

PRIVATE SECTOR EMPTY HOMES POLICY 2021-2024

Reason for the Report

1. To provide background information to assist Members in their consideration of the draft '*Private Sector Empty Homes Policy 2021-2024*', which is to be considered by Cabinet on the 16th of December 2021.
2. Members are advised the focus of this policy, and the meetings discussion, is the issue of empty homes in the private sector.

Structure of Papers

3. A briefing report is attached at **Appendix A**, which in turn contains, the following Appendices:
 - **Appendix B** Private Sector Empty Homes Policy 2021-24
 - Appendix 1 Empty Property Procedure
 - Appendix 2 Empty Property Risk Assessment
 - Appendix 3 Enforcement Options
 - **Appendix C** Empty Property Enforcement Action Plan (*submitted to Welsh Government*).

Background

4. As of 1 April 2018, there were around 27,000 long-term empty private sector residential properties in Wales¹. The briefing note attached at **Appendix A**, notes that this year, there are 1,355 long term empty private sector dwellings in Cardiff (down from 1,568 in 2018/19).
5. The Shared Regulatory Services 2021/22 Business Plan states that of the previous year (2020/21), 45 empty homes in Cardiff were returned to use through direct action by the local authority².
6. As set out in **Appendix B**, there are a range of actions local authorities can take to address the issue of empty private sector properties such as:
 - Persuasion and agreement with the owner.
 - Utilising grants and loans.³
 - Working with Register Social Landlords.
 - Enforcement

Members are to note the above list is not exhaustive and further information can be found in Appendix B.

Measuring Performance

7. The national Performance Measurement Framework for Local Government in Wales identifies a set of 31 national performance measures against which the delivery of local public service is measured. These are known as Public Accountability Measures (PAMs).
8. As part of this framework, the number of private sector empty homes is reported annually “PAM/013 / ‘Empty Private Properties Brought Back into Us’”. This measure (PAM/013) represents the number of long-term empty homes i.e., empty for more than 6 months. The data used for this performance measure is derived from Council Tax records.

¹ [Empty properties \(senedd.wales\)](https://www.senedd.wales) Accessed Friday 26 Nov 2021.

² [SRS Business Plan \(valeofglamorgan.gov.uk\)](https://www.valeofglamorgan.gov.uk) pg 48. Accessed Friday 26 Nov 2021.

³ [Apply for an empty homes loan | GOV.WALES](https://gov.wales) Accessed Friday 26 Nov 2021

9. As noted in point 6 of **Appendix A**, an additional performance measure “*PAM/045 / ‘Number of New Homes Created as a Result of Bringing Empty Properties Back into Use’*” is also reported annually as part of the performance framework.

Welsh Government ‘Empty Homes Good Practice Guidance’

10. Welsh Government’s, ‘Empty Home Good Practice Guidance’ has been designed to help Local Authorities develop effective empty home strategies. The Guidance stresses it is essential Local Authorities have effective, comprehensive empty homes strategies which contribute towards local strategic planning⁴.

11. The guidance states Local Authorities strategies must:

- Consider the broad spectrum of empty homes issues.
- Identify the problem and opportunities that exists in its local area.
- Clearly set out the policy’s objectives / aims.
- Explain how the Local Authority plans to tackle the problem of empty homes using its own financial resource, and the contribution that others in the private and public sector can make.
- Recognise the need for targeted action through careful analysis.
(i.e., not target the transitional properties that are empty for good reason, but properties which are empty for a prolonged period, in a bad state of disrepair, nuisance to the community etc.)
- Apply careful consideration toward the way action is approached.
(i.e., persuasion and agreement before enforcement)
- Include realistic timescales as part of its Action Plan.
- Adequately publicise the strategy to ensure widespread knowledge of the Council’s strategy.
- Ensure ongoing monitoring and evaluation of the strategy⁵.

⁴ [empty-homes-good-practice-guidance.pdf \(gov.wales\)](#) Accessed Friday 26 Nov 2021

⁵ [empty-homes-good-practice-guidance.pdf \(gov.wales\)](#) Accessed Friday 26 Nov, 2021.

Cardiff Council's Private Sector Empty Homes Policy 2021-2024

12. The Shared Regulatory Service has developed an Empty Homes Policy which will seek adoption by Cabinet in its December meeting. The Policy builds upon and replaces the Council's Empty Property Policy published in 2014 and outlines the tools the Council will use to bring empty homes in the private sector back into use.
13. In line with Welsh Government guidance, the policy has been designed to identify the cause and scale of empty properties in Cardiff and recognises the impact they have on communities. The policy also outlines the assistance that can be offered to owners to encourage them to bring properties back into use. In addition, it also advises on the enforcement tools that are available if required.
14. To address the issue, the policy identifies the need for the following:
 - Identify and prioritise empty properties.
 - Provide advice and assistance to owners.
 - Publicise the policy.
 - Enhance partnership working.
 - Effective use of enforcement.
15. As stated in point 5 of **Appendix A**, the successful working of this policy requires coordinated working across the Council along with prioritisation of resources toward this area of work.
16. As detailed in point 10 of **Appendix A**, to develop effective inter-departmental working across the Council and outside bodies, an Empty Homes Working Group, chaired by the Assistant Cabinet Member Cllr Peter Wong has been established. The group meets on a quarterly basis, to ensure a corporate approach to empty properties.
17. Members are to note point 8 of **Appendix A** provides information on a premium rate Council Tax revenue stream which can be applied to empty properties. This stream is ring fenced to help address the issue of private empty properties.

Previous Scrutiny

18. Members have previously been informed there are just under 8,000 people on the housing waiting list and a Local Housing Market Assessment, indicated that 2,024 new affordable homes are required each year to meet the demand.
19. As reported in the Community & Adult Services Scrutiny Committee Oct 2021 meeting, in recent months there has been a notable spike in demand on services, with housing applications increasing by 50% and 126% increase in housing waiting list applications⁶.
20. Further, and as detailed in Councillor Thorne's September Full Council statement, *'Homelessness Prevention Services are currently under immense pressure due in part to a lack of suitable private rented accommodation in the city.'* As advised in the statement, this pressure is in part due to landlords selling their properties due to increased house prices. In addition, there has also been an increase in the cost of private rents⁷. This combined, has resulted in a notable lack of available, and affordable, private rented sector properties in the city.
21. During the October 2021 Committee meeting, Committee Members were advised the Council's housing directorate are looking to address the lack of available private properties in the city, by promoting incentives and encouraging take up with private landlords to the Council's leasing schemes.

Scope of Scrutiny

22. At the meeting, Committee Members will receive a presentation from Shared Regulatory Service officers, providing an overview of the issue in Cardiff and how this Policy aims to address it.
23. Members are required to reflect on the content of the proposed Policy and the information provided at the meeting. Members will then be able to decide what

⁶ [Agenda for Community & Adult Services Scrutiny Committee on Wednesday, 13th October, 2021, 4.30 pm : City of Cardiff Council \(moderngov.co.uk\)](#) Accessed Friday 26 Nov 2021

⁷ [8 - Cllr Thorne Statement September 2021.pdf \(moderngov.co.uk\)](#) Accessed Friday 26 Nov, 2021.

comments, observations or recommendations they wish to pass on to the Cabinet for their consideration prior to making their decision.

Way Forward

24. Councillor Lynda Thorne Cabinet Member for Housing & Communities and Cllr Peter Wong, Assistant Cabinet Member will be in attendance to answer Members questions. They will be supported by officers from the Shared Regulatory Service.

Legal Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

It is recommended that the Committee:

- i. Consider the draft report and its subsequent appendices and decide whether it wishes to relay any comments or observations to the Cabinet at its meeting on the 16 Dec 2021; and
- ii. Decide the way forward with regard to any further scrutiny of this issue.

DAVINA FIORE

Director of Governance and Legal Services

2 Dec 2021