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Empty Homes in Scotland



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Contents

Executive Summary	1
Introduction	3
Committee inquiry	3
Background	6
Reasons for empty homes	6
Impact of empty homes	7
Scottish Empty Homes Partnership	9
Empty Homes Officers	10
Empty homes and links to other strategies	13
Measuring the scale of the problem	17
Measures to tackle the problem	20
Funding and Financial incentives	20
Council Tax Levy	20
Other methods of funding and financial incentives	23
Enforcement powers	27
Compulsory Purchase Orders (CPOs)	28
Compulsory Sales Orders (CSOs)	31
Annex A - Summary of Written and Oral Evidence	34
Bibliography	38

Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/local-govt-committee.aspx>



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Executive Summary

Empty homes are a significant problem in Scotland and they are worse in some places than others. Rural locations and deprived areas have a particular problem with empty homes.

Empty homes can be a symptom of decline. Often, the underlying problem is that the market for housing a community is moribund. Often times, the problem goes hand in hand with years of declining industry and in these places the fundamental problem can be that there are more homes than there are people who want to live there. On other occasions, houses can become empty for very personal reasons that have little to do with prevailing socio-economic conditions, such as through bereavement or family problems. This could happen anywhere.

Different problems require different solutions and it is clear that there is no one size fits all solution to the problem. Some problems are also harder to solve than others, given that some communities do not so much have an “empty homes problem” as an economic decline problem, which has caused many empty homes in the area.

On the other hand, what all empty homes have in common is that, if left to decay, ultimately they can be a blight on a local community and on neighbours, and the problem multiplies if there are more empty properties. Overall, they can bring a community down. Particularly in communities with a housing shortage, they are a wasted asset. So there is a huge public interest in bringing them back into use.

We support the valuable work that the Scottish Empty Homes Partnership provide at a national level and the high quality of the advice, training, guidance and workshops they provide to the network of Scotland’s Empty Homes Officers.

The Committee agrees that councils are best placed to deliver change on the ground. And they will do this best if they all have an Empty Homes Officer, who has key knowledge of the local housing environment and markets, and relationships with local developers, solicitors and others who can assist in associated housing services. It is welcome that the majority of local authorities now have an Empty Homes Officer in place and we would hope that those without one will consider their appointment as a priority.

Councils' empty homes strategy should be part of a joined-up bigger picture of using their powers to encourage and support vibrant communities. For instance, there should be express linkage between council policies to revive town centres and to encourage families to come back to live in town centres and attract people to shop, eat and drink. To their credit, some councils are seeing that bigger picture and already doing good work in this area. We also agree that work to “map” empty homes more thoroughly at a granular level is welcome. If we understand the problem better, we are closer to solving it and solutions can be tailored to meet the needs of each local area.

The Council Tax levy on empty homes, is a useful and necessary tool, but some councils are using it to the point that they are actually making the empty homes problem worse and not better in some cases. This is not acceptable and the levy should not be used solely as a revenue raising tool. We encourage all councils to take a sensible approach to applying the levy and ensure that those taking active steps to bring their property back into use are not being penalised.

Evidence indicates that existing methods of public funding are being used and do some good but there is a degree of frustration with aspects of their operation which limit how useful they can be. We welcome the Scottish Government's commitment to review the role of funding in bringing empty homes back into use.

The low take-up of Compulsory Purchase Order powers tells its own story and more needs to be done to make the power more usable. Recent improvements to the process may go some way in making these powers more attractive to local authorities and we welcome the Scottish Government's commitment to keep their use under review. We urge the Scottish Government to introduce Compulsory Sales Orders as a complementary power for local authorities to use in the quest to solving empty home problems in their area.

Committee Members in Newmilns



Source: Scottish Parliament

Introduction

1. There are large numbers of empty homes in Scotland, with the most recent figures from 2018 showing that around 83,435 of 2.62 million dwellings were empty. This figure includes all empty properties, including new homes waiting to be occupied and old homes waiting to be demolished. In any normally functioning housing market, in any given snapshot in time, there will always be some empty properties. It is when long-term empty properties are considered that the real extent of Scotland's empty housing problem becomes clear. According to the 2018 figures, 39,110 homes had been empty for 6 months or more and 24,471 for 12 months or more. The true figure could possibly be even higher when properties which are not captured through council tax records are factored in. (This will be explored further later in the report.) ¹
2. Empty homes can be a blight on local communities, particularly when allowed to fall into long-term disrepair. A common sentiment in the areas Committee Members serve as MSPs is that empty homes *drag neighbourhoods down*. An empty home is also a wasted asset, especially in areas of high housing demand. Knowing how strongly people feel about empty homes, we therefore decided to hold an inquiry. The aim was for the inquiry to be short and focussed, with an emphasis on finding practical solutions.
3. The Scottish Government has committed to bringing empty homes back into use as one strand of its 'More Homes Scotland' approach to increasing the supply of homes, alongside the Housing and Planning Delivery Framework, the Affordable Housing Supply Programme (AHSP) and the Housing and Planning Delivery Framework. However, there is limited information on the Government's "More Homes" web pages on the extent to which empty homes strategies should contribute to this approach. ²
4. The Committee agrees that addressing the issues of empty homes could play a vital role in contributing to the Government's wider housing aspirations, whilst also linking to other priority areas, such as town centre regeneration, improving infrastructure and improving the health and wellbeing of our communities.

Committee inquiry

5. The remit of the Committee's inquiry was to look at:
 - The extent of, and reasons for, empty homes in Scotland;
 - How effective existing legislation and policy is at addressing the problem of empty homes;
 - What more can be done to prevent homes remaining empty and to encourage owners to bring them back into use.
6. The Committee decided not to include second or holiday homes inhabited for at least part of the year as part of the inquiry. We know that there are parts of Scotland with high concentrations of such homes, which is sometimes considered problematic (for instance, where it contributes to an overheated local housing

market). We saw this subject as raising policy and public interest considerations that are distinct from the problem of empty homes.

7. The Committee launched a [call for views on 4 April 2019](#) which closed on Friday 17 May 2019. We received [28 responses](#). A summary of written submissions from the Scottish Parliament Information Centre (SPICe) is available [here](#).
8. The Committee gathered evidence on the issue in a number of ways. We held several formal oral evidence sessions, with the first of these being with the Scottish Empty Homes Partnership and Rural Housing Scotland on 15 May. We then heard from four Councils; City of Edinburgh, Falkirk, South Lanarkshire, Perth and Kinross as well as Scottish Land and Estates, on 5 June. There was a concluding oral evidence session with the Minister for Local Government, Housing and Planning on 4 September 2019.
9. Committee Members spoke directly with people with experience of owning an empty home or trying to bring empty homes back into use in an informal session at the Parliament on 22 May 2019. Given that the issues discussed were personal in nature, the meeting was held in private, but an anonymised account of the discussion is available on the inquiry page [here](#).
10. The Committee also went to East Ayrshire in June, visiting the nearby communities of Kilmarnock and Newmilns to witness first-hand the impact of empty homes on communities, the practical problems that arise in trying to get them back into circulation, and some of the solutions that had been found. You can read more about the Committee's visit [here](#).
11. The Committee is grateful and thanks all those who provided written and oral evidence and all those who engaged with us throughout this inquiry. A full record of the written and oral evidence received is available on the Committee's webpage [here](#).

Committee Members in Kilmarnock



Source: Scottish Parliament

Background

Reasons for empty homes

12. We heard during the inquiry that there can be a number of reasons why homes lie empty. Socio-economic factors operating at a community-wide level are a major contributor. Economic downturn can cause depopulation, housing market decline and, possibly, an increase in antisocial behaviour as a result, all contributing to an overall downward spiral. In this situation, the fundamental problem can be simply that there are homes that very few people want to buy and to invest in.
13. In contrast, homes can become empty for very personal and particular reasons, and these can happen anywhere, including in prosperous communities with a housing shortage. Reasons could include the owner being in hospital, or in prison, or abroad for a long period, or mentally incapable and unable to sell.
14. People's decision-making around home ownership is not always motivated by pragmatic considerations. Sometimes emotions can take hold, particularly where there has been a bereavement. This can be a cause of homes becoming empty. In some cases, family members are emotionally attached to the property and do not wish to sell. In other circumstances legal issues can arise and the process of sale in accordance with the deceased's wishes can take longer than anticipated. Alternatively, a person who has inherited a home holds out for years for an unrealistic selling price.
15. Another common reason relates to repairs and finance. An owner might have bought a home to be renovated, but adverse circumstances, for example a loss of employment, have meant that these works have taken longer than initially anticipated or have had to be placed on hold indefinitely.³
16. The reason for an empty home can, of course, be a mixture of the general and the particular. There is always a human story behind an empty home. However, what the above illustrates is that, if the reasons for homes being empty can be so varied, a variety of approaches are likely to be needed to find a solution.⁴
17. Rural areas face distinct challenges with historical depopulation and issues relating to remoteness or lack of jobs not generally seen in urban locations. For example, Rural Housing Scotland said that changes to working practices on estates means that there are fewer staff, which in turn can affect cottages that have historically been let or tied accommodation. Landlords might be reluctant to let properties closely adjacent to the working farm. Where a property is covered by a tenancy, the length of the tenancy may affect whether any serious effort is made to maintain it, and if a cottage has been empty for some time, the owner may decide there is no point in trying to repair it.⁵

Impact of empty homes

18. Whilst the reasons are many, and urban and rural communities can face similar and their own distinct issues, there is no doubt that long-term empty homes can impact negatively on communities and their available housing supply.
19. We saw first-hand the impact that a large number of empty homes had had on Newmilns, a once populous town with a thriving lace industry. Changing fortunes had led to a decline in the population. The main road contained a large number of properties which had been empty for a number of years. The Committee was shown that many were now in grave states of disrepair, some with furniture, building materials or waste piled up outside, and with the small garden areas to the front often unkempt. On our visit, we met groups from other East Ayrshire communities as well as Newmilns that were working to address these issues, underlining that this is a problem for a number of small towns in Scotland. The discussions we had there highlighted that empty homes in Newmilns are as much a symptom of local socio-economic issues as they are a cause.⁶
20. We heard from various sources on the impact on communities, summarised in a SPICe briefing on submissions received. Many highlighted that concentrations of empty homes are linked to fly-tipping and antisocial or criminal behaviour. A more immediate and direct instance of empty homes causing damages is when they have fallen into neglect and cause physical damage or water ingress to neighbouring properties or are a fire risk. Furthermore, large numbers of empty homes can blight an area, making people reluctant to move there and causing property values to fall.
21. A number of empty properties in an area can be symptomatic of a wider problem of depopulation in an area, meaning a decline in amenities such as schools and bus routes, further deterring people from moving to the area. However, this can also happen in communities where there is a shortage of affordable accommodation. In this context, empty homes are a wasted asset. They restrict local accommodation options, especially for young people and families, meaning households move away, affecting local demographics. In the longer term, many of the older people who once lived in the area may also leave due to their increasing support needs, further increasing the number of empty homes in a community. Loss of amenities can affect the health and wellbeing of community members and result in health and social issues.
22. Where homes lie empty even though there would be a demand for them, this has wider impacts on the economy. It means a lack of rental income being recycled within the local community or council tax being spent on local services. It will also have an impact on spending in local businesses in the area, affecting local employment opportunities.⁴

Committee Members in Newmilns



Source: Scottish Parliament

Minister for Local Government, Housing and Planning, Kevin Stewart MSP, giving evidence to the Committee on empty homes



Source: Scottish Parliament

Scottish Empty Homes Partnership

23. The Scottish Government funds the Scottish Empty Homes Partnership as the lead agency to help bring private sector empty homes back into use. During his evidence session on 4 September, the Minister for Local Government, Housing and Planning confirmed that the Government had recently doubled funding for the Scottish Empty Homes Partnership to more than £400,000 per year until 2021. The project sits within Shelter Scotland, a third sector organisation, and its work covers a range of activity from policy work to practical support for owners. Practical support includes providing an advice service for empty homes owners, or for neighbours who have concerns about empty homes in their area. They also provide training services and guidance for Empty Homes Officers, support for local projects bringing empty homes back into use, and support for councils to develop their Empty Homes Strategies.⁷
24. The Scottish Empty Homes Partnership says that this work has led to the identification of barriers to bringing private sector empty homes back into use, as well as solutions. Examples of the latter include supporting legislative changes to council tax law to allow Empty Homes Officers to access empty homes data as well as allowing councils to remove empty homes discounts and charge more for long term empty homes where owners have taken no steps to bring them back in to use.⁸
25. The Scottish Empty Homes Partnership says that more needs to be done, however, including the employment of permanent Empty Homes Officers in every local authority area. It has also called for increased funding of £18 million, to diversify financial incentive schemes offered by Scottish Government and Local Authorities. It said that the purpose should be "to incentivise empty homes to be brought back into use for a variety of end uses and to encourage more and varied players into empty homes work including private sector developers and community groups." Another recommendation by the Scottish Empty Homes Partnership is the introduction of increased enforcement powers, including the implementation of Compulsory Sales Orders. These issues will be explored further in this report.⁹
26. Many witnesses commented on the valuable work carried out by the Scottish Empty Homes Partnership and the high quality of the advice, training, guidance and workshops they provide to the network of Empty Homes Officers.

Empty Homes Officers

27. Many local authorities employ a dedicated Empty Homes Officer to deal with the issue in their area. The specific roles and responsibilities of the position will vary between local authorities. However, the key role of the Officer is to help bring empty homes in their area back into use.
28. The Scottish Empty Homes Partnership advocates strongly for each local authority to have a dedicated Empty Homes Officer as a minimum standard.¹⁰ Their representative told us that the key benefit of Officers is that they-
 - ” ...can engage with owners to ask about the issues and discuss the options that are available to bring properties back into use. Our partnership has matchmaker schemes in some areas, in which it works with developers to link with owners of potentially empty homes, and it can give owners information on VAT discounts. The empty homes partnership is there to share knowledge and best practice.¹¹
29. Scottish Land and Estates agreed, saying that feedback from their members was that they strongly valued the support Empty Homes Officers could provide as they understood the issues property owners face.¹²
30. We heard first-hand from some individuals who had had direct support from their Empty Homes Officer. Most emphasised the benefits they can bring not only for members of public with an empty home, but also for dealing with and acting as go-between for other departments of the Council, solicitors and other bodies, such as community regeneration organisations. The consensus was that there should be no “one size fits all” approach to the role, but that, whatever exact remit the Empty Homes Officer might have, communities generally benefit from having a dedicated officer at the local council focussed on the issue. With their knowledge of the system and network of contacts, they can get word out to the correct organisation or individual which can provide the necessary support.¹³
31. Despite this strong support for councils having a dedicated officer with responsibility for empty homes, we heard that not all local authorities had one in place, or were even considering appointing one. The Scottish Empty Homes Partnership highlighted that 21 local authorities have an Empty Homes Officer or empty homes service and that four others were in progressive discussions with the Partnership about appointing one. Seven authorities were not considering the issue.¹⁴
32. Of the local authorities we heard directly from, Falkirk Council had two Empty Homes Officers and highlighted the difference that they had made in bringing back empty properties back into use, at just over 400 properties in 6 years. Perth and Kinross Council had two part-time Empty Homes Officers, amounting to a full-time equivalent of 1.6. Their aim was to bring back 150 empty homes per annum, and said they were on target to do that in 2019.¹⁵
33. The City of Edinburgh Council said that it had previously had an Empty Homes Officer in place, but following a decision by a previous administration the Council had decided to mainstream the role within a number of staff working on the ground

in their property inspections team. The Council confirmed that the decision had now been taken to fund an Empty Homes Officer again, in order to have a renewed focus and a point of contact within the council and, was now in the process of recruiting for the position.¹⁶ South Lanarkshire Council was another council we heard from that did not have an Empty Homes Officer, as the remit of empty homes was mainstreamed within its development and private sector team. Coincidentally or not, as noted below, South Lanarkshire Council stood out in our evidence-taking as a council that took a hard line on applying the empty homes surcharge and was criticised for this.¹⁷

34. The Minister for Local Government, Housing and Planning said every council should have an Empty Homes Officer. He said that this should be embedded in local housing strategies, and that it was disappointing that a number did not have one. He said that the role could be part funded from revenue raised from the council tax surcharge for empty properties (which will be explored further below) and that councils who invested in Empty Homes Officers would see the money come back by re-utilising empty homes. He highlighted Falkirk, with its two Empty Homes Officers, as an exemplar of best practice. The Minister also highlighted the case of Comhairle nan Eilean Siarⁱ, which had appointed an Empty Homes Officer in October 2018. This appointment had already led to 82 of the 500 or so empty homes in the Western Isles undergoing refurbishment and renovation, with 32 of the homes being sold privately and eight rented out. He said the Empty Homes Officer had also managed to reach agreements with some local companies about discounting for some of the work. The Minister told us that changes such as these "can be achieved very quickly" when a council has an Empty Homes Officer.¹⁸
35. In the Minister's view, it was an appropriate division of responsibilities that the Scottish Government funded the Scottish Empty Homes Partnership to provide an all-Scotland service, but that councils, and Empty Homes Officers, who knew local areas best, took the lead in actual on-the-ground delivery of empty homes policy.¹⁹
36. After we concluded evidence taking for this inquiry, the Minister wrote to all local authorities and to COSLA on 20 September, reiterating his ambition for every council to have an Empty Homes Officer and for councils and COSLA to make more use of the Scottish Empty Homes Partnership. The letter stated that-

” 1,128 homes were brought back into use last year bringing the total to more than 4,300 since 2010. More than 90% of these homes are directly attributable to our network of dedicated Empty Homes Officers, supported by the Scottish Empty Homes Partnership and employed directly by some local authorities across Scotland.²⁰

37. With their key knowledge of the local housing environment and markets, relationships with local developers, solicitors and others who can assist in associated housing services, there is strong evidence to suggest that having a dedicated Empty Homes Officer in place can largely impact on the number of empty homes brought back into use in areas which have appointed them. It is disappointing that some local authorities have not even considered such services

or engaged with the Scottish Empty Homes Partnership about the prospects of appointing dedicated Empty Homes Officers.

38. We support the Scottish Government's efforts to encourage all councils to deploy Empty Homes Officers, and recommend that all local authorities and COSLA work with the Scottish Empty Homes Partnership with a view to enhancing the empty homes services in their area. The Committee believes all councils should have Empty Homes Officers.
39. To ensure that local authorities are achieving maximum benefit from their empty homes services, we also recommend that the Scottish Government works with COSLA and the Scottish Empty Homes Partnership to encourage the sharing of best practice amongst local authorities. We also recommend that the Government monitors Councils' progress in that regard and reports back to the Committee in a year's time on how this has impacted supply.

Committee Members hear first-hand about the issues in Newmilns from the local Empty Homes Officer



Source: Scottish Parliament

Empty homes and links to other strategies

40. We heard that it was important that local authorities recognised the importance of their empty homes work as part of their wider housing supply and town centre regeneration strategies. Rural Housing Scotland agreed that each local authority's empty homes strategy needed to be linked to its general housing strategy. In a rural context, it emphasised how bringing one or two empty properties back into use could deliver affordable housing where housing associations would not ordinarily build, as they would generally want to build up to six properties as a minimum. There can also be planning or drainage constrictions on new-build development in rural areas.²¹
41. All local authorities we heard from directly said that their empty housing strategies were embedded in their local housing strategies, including Falkirk Council, which also had empty homes in its housing supply target. In relation to some of the unique challenges faced in rural areas relating to supply and demand, South Lanarkshire said that its focus was on ensuring the sustainability of housing in an area and making sure it was fit for purpose. In areas where there is an oversupply of empty properties, or oversupply of a particular type of home, it was often about consolidation of properties, rather than bringing every property back into use.²²
42. The City of Edinburgh Council also confirmed that its empty homes strategy was embedded into its overall approach to housing supply and its housing strategy. Due to its unique housing market though, resources for dealing with empty homes were competing against other housing challenges, such as the impact of short-term-lets and consideration of whether to introduce rent pressure zones. The Committee witness told us that its empty homes strategy was an important factor in its approach to dealing with mixed tenure and improving standards in blocks where there are owner-occupiers. The Council said that it was trying to maximise the impact of its housing strategy and actions to improve its housing situation.²³
43. A common theme to emerge across the Committee's wider work relates to the decline of town centres and the need for councils to use their powers to encourage and support vibrant communities. We heard from the Empty Homes Partnership that it is therefore important that local authorities see the benefit of their empty homes work as part of their wider housing, town centre regeneration strategies and local development plans.²⁴
44. In Kilmarnock, for example, we saw the all too common problem of numerous empty properties above commercial units in various states of decline. We heard how the very visible presence of these properties negatively impacts peoples' overall pride in the Community.⁶ The Committee also scrutinised the Non-Domestic Rates (Scotland) Bill. As part of that scrutiny, we heard during a discussion with Celebrate Kilmarnockⁱⁱ that the Council were considering a number of ways in which to "re-think" and diversify Kilmarnock town centre to make it more appealing to investors and the local community. This is, however, likely to be a more difficult

problem to solve in a small town like Newmilns, where the issue has been impacted by years of declining industry and de-population.²⁵

45. A Scottish Government appointed review of town centres in 2013, led by Malcolm Fraser, called on the Scottish Government to work with housing providers in the private and public sectors to bring empty town centre properties, such as those over shops, back into use for affordable housing. The review argued that this was the best way to bring footfall into town centres, increase housing supply in areas of high demand, increase the use of shops and institutions and assure community safety and security in the evenings and at night.²⁶ To deal with empty homes above commercial units in town centres, Scottish Land and Estates emphasised the importance of dealing with housing and commercial property issues together and not separately.²⁷
46. The Scottish Empty Homes Partnership said that there was an imbalance between local authorities in terms of recognising the benefits of integrating empty homes working as part of wider housing strategies and town centre regeneration. Those local authorities which did it well, such as Argyll and Bute, Perth and Kinross, and Dumfries and Galloway, have working groups where different departments, including building standards, environmental health and the Empty Homes Officer are brought together around the table. The Partnership said that this type of working group works well as each department has a different agenda for an empty property, whereas the Empty Homes Officer wants only to bring that property back into use.²⁸
47. The Scottish Empty Homes Partnership emphasised how empty home buy-backs could contribute to affordable housing supply in town centres, whilst also saving money for the local authority. The Partnership provided the example of North Ayrshire, which had purchased a problematic town centre property to meet affordable housing supply. The Partnership stated that in the Council's business plan for affordable housing, the cost of a new build is £128,000, whereas it is £60,000 for an empty property - it shows how housing supply can be added in a strategic priority area at half the estimated price.²⁹
48. In relation to tackling the problem of town centre properties, both Perth and Kinross Council and South Lanarkshire linked their housing and town centre strategies. Perth and Kinross Council said it concentrated on town centres, providing a small grants scheme to provide match funds for someone who needs architect's drawings, quantity surveyors or engineers. It also provided "an empty homes initiative grant for converting commercial property to residential or for upgrading residential properties, which is tied into letting properties at local housing allowance levels for five years."^{27 22}
49. The Minister for Local Government, Housing and Planning said that the Government had introduced the £50 million capital town centre fund, "to enable local authorities to stimulate and support investments that encourage town centres to diversify and flourish" and "take a town centre first principle". He referred to the successful Stove Network project in Dumfries. The town centre in Dumfries previously had only one household left and there were many buildings above shops

ii A local group dedicated to promoting Kilmarnock. <https://www.celebratekilmarnock.com/>

which had been left unused. Dumfries and Galloway Council has established a £1 million fund from the council tax levy to improve and revitalise the town centre. He encouraged other local authorities to learn from Dumfries's example and take advantage of the flexibility of the various schemes in place to tackle empty homes in their areas. He also said that local authorities could seek advice from Scotland's Towns Partnerships on improving town centres.^{30 31}

50. Following the conclusion of the Committee's evidence taking on empty homes, the Minister for Public Finance and Digital Economy confirmed to the Committee that empty property non-domestic rates relief will be fully devolved to local authorities by the next revaluation which takes effect on 1 April 2022. This, the Minister has stated, will complement local authorities local economic and regeneration strategies. The Government will bring forward the necessary legislative changes as a Stage 2 amendment to the Non-Domestic Rates (Scotland) Bill.³²

51. It is important that Councils see empty homes strategies as core strands of their wider housing supply and town centre strategies. There should be express linkage between council policies to revive town centres and to encourage people to move back to and stay in town centres, so as to create vibrant and safe communities for people to live, shop, eat and drink. Whilst it is encouraging to hear that some local authorities are doing this well, it is disappointing to hear that others are underestimating the benefits of empty homes work as part of wider housing supply strategies and town centre regeneration.

52. Each local area has its own unique set of circumstances, further emphasising the point that there is no one-size fits all approach to tackling the issue of empty homes. Local council-led joined-up strategies by those with the on-the-ground knowledge of the issues in their area are required to tackle the problem. That being the case, the Committee recommends that the Scottish Government, COSLA and Empty Homes Partnership provide targeted support and guidance to those Councils which are failing to recognise the benefits of empty homes work in their overall housing supply and town centre regeneration strategies.

Empty properties above retail units



Source: Scottish Parliament

Committee Members in Kilmarnock Town Centre



Source: Scottish Parliament

Measuring the scale of the problem

53. There are two main sources for data on empty homes in Scotland. The most recent figures from the National Records of Scotland shows that there were 2.62 million dwellings in 2018. Of these, 2,506,767 (96%) were occupied and 83,435 (3%) were empty homes. The remaining 24,983 (1%) were second homes.¹
54. The Scottish Government also keeps annual data on empty homes which are linked to council tax and based on those properties which are and are not eligible for council tax exemptions and levies (explored further below). The most recent data for December 2018 show that there were 64,017 empty properties and second homes in Scotland registered on Council Tax records. Of those, 39,110 had been empty for 6 months or more, 24,471 for 12 months or more.³³
55. The Committee heard views that the two available data-sets may not provide the most accurate reflection of the picture of empty homes across Scotland. For example, the Scottish Empty Homes Partnership said that because the National Records of Scotland's figure of 79,000 empty properties, "includes 'new homes which are yet to be occupied, and dwellings which are empty and awaiting demolition'", it overstates the scale of the problem in Scotland. It added that "In contrast, the main statistics published by the Scottish Government, which report approximately 39,000 properties as long term empty, may do the opposite" as they are partially reliant on the data collection methods used, which vary from council to council, and people providing accurate information to councils, and will not include properties which have not been declared to the council as empty.³⁴
56. The Scottish Empty Homes Partnership told us that it was working with the Scottish Government and independent researchers to undertake a GISⁱⁱⁱ mapping exercise of empty homes across Scotland at the data zone^{iv} level, in order to arrive at a more accurate picture of the situation at national level. They have developed a questionnaire on a map, which each local authority has been asked to fill out. The partnership said that the GIS mapping work will allow local authorities to see where the problem areas are and link their empty homes strategy work to local regeneration projects.³⁵
57. In a recent update to the Committee, the Scottish Government confirmed that the survey would be used-

iii Geographic Information System

iv Data Zones are the key geography for small area statistics in Scotland and are widely used across the public and private sector. <https://www.gov.scot/publications/consultation-regarding-redraw-data-zones/>

” to establish whether there is a link between the reasons why homes initially become empty and why, in some cases, they often remain empty for the longer term. The Partnership, and our network of Empty Homes Officers, have developed a range of tools to unlock empty homes; the results of the Survey will ensure that they are deployed to best effect. The Partnership will also use the results to identify areas where intensive initiatives would be beneficial and areas where new approaches may be needed.

58. The Government confirmed that, so far, 26 local authorities have responded to date and that some local authorities had requested further discussions "to provide additional information about the local housing market in their areas to help put the data into context".³⁶
59. The local authorities that we heard from confirmed that they were generally aware of the locations of empty homes in their area and that they could map them on a GIS. City of Edinburgh and Perth and Kinross Councils both questioned, however, whether they would be able to actively identify all those households which were failing to disclose their empty status in order to avoid paying the council tax levy.²²

60. It is concerning that the current data sets may not provide an accurate picture of empty homes across the country. However, we note that the mapping work will go some way to providing a more exact picture of the scale of the issue. Only then, can solutions be tailored to meet the needs of each local area. We would welcome an update on the outcome of this work when it is complete.
61. Whilst this work is to be welcomed, we note that local recording of empty properties is still likely to be reliant on a mixture of local council tax records and local knowledge. The Committee notes that some owners may fail to disclose that they have an empty property in order to avoid any surcharges. We ask the Scottish Government what further action it will take to support local authorities to identify those who do so, in order not only to ensure a more accurate picture of empty homes across Scotland, but also to help councils take action against those who fail to disclose their empty property.

Committee Members Andy Wightman MSP and Kenneth Gibson MSP in a previously empty home in Kilmarnock which was being extensively renovated and repurposed



Source: Scottish Parliament

Measures to tackle the problem

62. The Committee explored a number of issues relating to measures used to tackle the problem of empty homes.

Funding and Financial incentives

Council Tax Levy

63. Some empty homes can be exempt from council tax altogether, for example where the owner has to move out of the house to receive long term care or to go to prison, or where a house has been legally re-possessed by a mortgage lender. Other homes may be exempt from council tax for a limited period. For example, a house which is undergoing major repairs or alterations to make it habitable is exempt for up to 12 months.
64. On homes which would normally be eligible for council tax, such as those which become unoccupied and unfurnished, there is an initial exemption on council tax for up to six months, after which local authorities can then offer an empty homes discount of 10 to 50 per cent for homes that are unoccupied for 6-12 months. The additional revenue raised from the variation in this discount has to be used to support the provision of new affordable housing.^{37 38}
65. Since 1st April 2013, local authorities have also had powers to remove the discount or charge a council tax increase of up to 100% (i.e. double the rate of council tax otherwise payable) for certain properties which have been empty for 12 months or more (Council Tax levy). Where owners are actively marketing their property for sale the surcharge can only be applied after 24 months. Local authorities can use the revenue raised through the levy as they see fit on housing or other projects.³⁹
66. Scottish Government guidance encourages local authorities to use flexibility and discretion in applying the levy, given that its intended purpose is to act as an incentive to bring empty homes back into use rather than to be a revenue raising tool. Initial guidance in 2013 stated that the levy should only be applied in certain areas where there was a particular problem or on a case by case basis, or not at all. Additional guidance issued in 2018 reiterated that authorities should avoid unfairly penalising owners who are justified in leaving their dwelling unoccupied or where there are reasons why the dwelling could not be lived in, sold or let. One such reason, set out in guidance, would be when the owner is finishing renovations prior to moving in or selling or letting and can demonstrate that these works are progressing.⁴⁰
67. The Scottish Empty Homes Partnership confirmed, however, that some local authorities without Empty Homes Officers were applying a blanket approach to the council tax levy, immediately charging the full levy when a property had been empty for over 12 months. It said that in some cases, this was preventing properties from being brought back into use. The Partnership said it should be considered good practice to apply discretion in cases when households were actively making improvements to bring their property back into repair and use.⁴¹

68. Scottish Land and Estates also expressed their frustration at the inconsistent way discretion was being applied to the levy. Its representative, said that in a number of local authorities, people with empty homes with active repair plans, some of whom are waiting for building warrants from the council—have the 200 per cent levy applied, without any discussion; and in some cases, without sending a representative from the Council to visit the property. It suggested that this issue tended to arise in those areas which did not have an Empty Homes Officer.⁴²
69. This frustration was echoed during our informal meeting with owners of empty homes, and on our visit to East Ayrshire. Many householders were struggling financially with repairs because their local authority had taken a blanket approach to the levy. Many of those present at the informal meeting, some of whom had come from South Lanarkshire, said that the council had never sent anyone to inspect their property, in order to see for themselves that they were carrying out active repairs to bring their property back into use. There was a sense that some local authorities were using the levy as a revenue-raising tool, rather than a means to encourage people with empty homes to bring them back into use. We were told that the approach taken was not only perceived as unfair; it was also counterproductive, as it meant that the owner's limited resources were being used to avoid getting into council tax arrears rather than to make the property habitable.¹³
70. The councils we heard from took different approaches to applying the levy. Falkirk, City of Edinburgh, and Perth and Kinross Councils told us they applied an element of discretion, taking account of property owners who are actively undertaking major works to renovate the properties. The witness from South Lanarkshire Council, however, confirmed that it applied limited discretion in its application of the levy, primarily to "new owners who take on an empty home". The Council confirmed that its scheme had only been introduced in April 2019 and that it was monitoring the scheme to see if any "rebalancing" was required. The Perth and Kinross Council representative confirmed that it had applied discretion to approximately 140 properties in total, an approach which they had found had "worked very well".⁴³
71. The witness from Falkirk Council said that each local authority interpreted the guidance associated with applying the levy inconsistently and questioned whether it should be clearer. The Perth and Kinross Council representative said that when they first implemented the levy, they applied little discretion. Following a review of how the levy was working and a realisation that it was having an impact on people's ability to bring their property back into use, they changed course. The Council suggested that the discretionary aspect of the levy should be set in statute, rather than guidance.^{44 45}
72. The Minister informed the Committee that he would look at how all aspects of the levy was working, but was of the view that, ultimately this was a discretionary power, and that it was for individual councils to decide how to use it. He added-

” Councils should use the powers logically, and they should look at individual circumstances in some cases. I encourage those that have blanket policies, which often do not work, to look at their peers, see what can be done in order to get this absolutely right, and adopt a flexible approach that is right for everyone. We have already updated our guidance to clarify the flexibility that each local authority has. That flexibility and the policies that local authorities should put in place should meet the needs of their area and bring more empty homes back into use. ⁴⁶

73. The Minister repeated this view in a subsequent letter of 20 September to all councils. The letter highlighted Dumfries and Galloway Council, for making good use of the discretion and for applying a proportion of the funds raised through the levy to support their empty homes work, such as their £1 million Town Centre Living Fund. ²⁰

74. We support the aims of the Council Tax levy as a tool for encouraging empty home owners to bring their property back into use and we agree that the legislation and guidance has suitable flexibility to allow for an element of discretion in its application, particularly for those taking active steps towards bringing their properties back into use. It is, therefore, unacceptable that some local authorities appear to be using the levy as a revenue raising tool, taking a blanket approach to its application. In some cases making the problem worse; by penalising those households undertaking repairs or renovations, without discussion, and impacting on their ability to complete works, therefore preventing or delaying properties from being brought back into use.
75. We note that the Scottish Government has recently taken steps to encourage all local authorities to exercise their discretion in the application of the council tax levy, particularly in relation to those households making a concerted effort to bring their empty homes back into use. We request further detail on how the Scottish Government, COSLA and the Scottish Empty Homes Partnership will support local authorities with blanket policies to look to their peers for best practice on how their charging models in relation to the council tax levy could be altered. We recommend that the Government keeps this matter under review and reports back to the Committee in a year's time on how recent actions have impacted on Council's charging policies so the Committee can assess whether further action is required.

Convener James Dornan and Committee Members visit a previously empty home in Kilmarnock which was being extensively renovated and repurposed



Source: Scottish Parliament

Other methods of funding and financial incentives

76. The Committee explored the role of other types of funding and financial incentives in bringing empty homes back into use. The Scottish Empty Homes Partnership said that there was a role for such incentives, given that a key issue in bringing properties back into use can be the struggle to finance repairs. It recognised, however, that there are limited public funds and that "'Soft touch' measures such as advice, information, facilitation and problem solving continue to be responsible for the vast majority of empty homes being brought back into use in Scotland." The Partnership told us that it had received a small fund which it could allocate to a strategic partnership it was going to pilot. ^{47 34}
77. There are two main sources of public funding available specifically for targeting empty homes. The Rural and Islands Housing Fund, and the Empty Homes Loan Fund.
78. Rural Housing Scotland referred to the **Rural and Islands Housing Fund**, which they use to support community bodies in order to help bring empty properties back into use. This is divided into a £25 million Rural Housing Fund and £5 million Islands Housing Fund provided by the Scottish Government. The combined fund can be used by community organisations, development trusts, private landowners, private developers and traditional housing providers through capital funding (loans and grants) for direct provision of new affordable housing, and refurbishment of existing empty properties. The fund cannot be used by individual households. ^{48 49}

79. Rural Housing Scotland spoke of a recent project where it had supported local community trusts to use the funding to buy properties for refurbishment. This worked well, but the wider problem of not being able to get hold of the worst affected properties which were blighting the community, i.e. those which they could not trace the owner of, or the owner will not sell, could still be a problem. ⁴⁸
80. Rural Housing Scotland said that the Rural and Islands Housing Fund could be a useful tool to enable communities to buy or lease properties from individuals owners who do not have the money or resource to do them up themselves to create more affordable housing in the area. ⁵⁰ Rural Housing Scotland added though, if the funding was to be used beyond 2021, there were rules to do with perpetuity it would like to be reviewed-
- ” The Rural & Islands Housing Fund is also due to finish in March 2021. If there is further funding for this grant there should be consideration given to removing the “perpetuity” clawback arrangements. This restricts the potential for the fund to be used to lease and renovate property on a long term basis; where a community trust could let an empty property for 20/30 years from a private owner or estate and use the housing fund to renovate the property and let it at affordable rates. This is not possible at the moment as the property has to be made available for rent at affordable rates in perpetuity. ⁵¹
81. The Empty Homes Partnership highlighted limitations to the size of the Rural and Islands Housing Fund. The representative referred to a project in Coldstream where it was supporting an application for the funding of a property which was also being funded by nine others. The representative said that one funder pulled out and subsequently the project fell through. The Partnership also felt that if the Rural and Islands Housing Fund had greater capacity, the project would have proceeded. Rural Housing Scotland confirmed that the average grant per house using the Rural and Islands Housing Fund was £74,000. However, it was £84,000 for the islands. That was the average grant, but they confirmed that there could be grants of up to £100,000 per house. ⁵²
82. The Scottish Land and Estates told us that the Rural and Islands Housing Fund had not been as effective as it could be, given that it is largely only available for "large scale developments" in rural areas, such as four or five houses. Its representative referred back to rural empty property and local authority grants which used to be available and which could be allocated on a individual property by property basis to deal with specific problems. Scottish Land and Estates said that the current scheme, which is restricted to "groups, companies and constituted bodies rather than making funds accessible to individuals is unlikely to hit some of the rural empty properties that we are talking about." ⁵³
83. The Rural and Islands Housing Fund has been a useful tool for helping community organisations and private developers to deal with multiple empty properties. However, the exclusion of individual applicants from the scheme could be preventing action being taken in relation to some of the most problematic individual properties in rural locations. Given the specific issues that rural and island communities face in relation to empty properties, we recommend that the Scottish Government review whether the scheme could be widened to individual

applicants and consider whether other specific schemes of funding could be developed to incentivise individual property owners in rural locations.

84. The Scottish Empty Homes Partnership spoke of the **Empty Homes Loan Fund** of £4m, which was made available by the Scottish Government to organisations in 2012, to support a range of projects to bring empty homes back into use as affordable housing. In some cases this fund has been used to support large projects designed to turn a single large building into smaller multiple units of affordable housing. In most other instances, it has been used as a loan-to-let scheme, where the recipient agrees to let out their property at affordable rates for a fixed period of usually five years. It has also been used as a loan-to-sell incentive in which the owner will sell the property at affordable rates. The Partnership said that the fund has had a varied impact. In areas where there is a strong rental market, this model is unattractive as it restricts the rental income that can be received. In addition, the conditions of the loan can be costly and bureaucratic. ³⁴
85. We heard that local authorities had used the empty homes loan fund with differing degrees of success. For example, for Falkirk Council, uptake had been low, as it had found that owners were unwilling to give up their properties for five years for affordable housing - a condition of the grant. The Council had found that most people looking for loans or grants needed the funding to move into the property rather than to let it out, so it was looking into providing that option. Perth and Kinross had found the uptake of the loan to be a success and it had all been spent. It also had its empty homes initiative grant of £15,000 which had also been successful. ⁵⁴
86. Rural Housing Scotland and the Scottish Empty Homes Partnership spoke of successful leasing schemes in Argyll and Bute and Dumfries and Galloway where the Council offered grants to bring a property back into use in exchange for it being contracted to let by the local housing association or used for affordable housing. ⁵⁵ Rural Housing Scotland said that in using these leasing schemes, the size of the grant could be tied to the length of the leasing schemes. The representative added that such schemes had been used since the 80s and had previously been successful in delivering small numbers of affordable houses in rural areas. ⁵⁶
87. Rural Housing Scotland said that the Scottish Government used to offer a lead tenancy scheme, through which empty homes were brought into use through housing association grants, but this option was no longer available. The representative also referred to the rural empty property grant, of which it said "that one or two examples of that are in existence, but it is not promoted and is not necessarily available." ⁵⁶
88. The Scottish Empty Homes Partnership also spoke about the role of third parties in channelling funding to bring empty homes back into use. The representative referred to the Glenrothes YMCA which had an empty homes programme. It had managed to attract funding from different sources for properties which there would be no financial incentive for developers to buy and bring back into use as follow-on accommodation for young homeless people moving from supported accommodation in the communities where they were already settled. ⁴⁷

89. During our visit to Newmilns, we heard that where Councils were unable to provide financial assistance to particular projects related to bringing homes back into use, if the local development trust could identify alternative sources of funding, the Council could often provide project management assistance.⁶
90. As previously referred to in the report, some local authorities have various loan and grant schemes to bring empty properties back into use. We also heard some suggestions for future initiatives from those who provided evidence.
91. For example, Argyll and Bute Council called for a Scottish Government/Scottish Empty Homes Partnership budget for 'financial and dedicated legal support' for Local Authorities who are considering bringing forward Compulsory Purchase Orders and the proposed Compulsory Sales Orders (these orders are explored later in the report) to bring empty homes back into use. The Council said that these were effective tools but dedicated funding could encourage their utilisation.⁵⁷
92. In its written submission, the Scottish Empty Homes Partnership draw the Committee's attention to additional financial incentives to encourage local authorities to bring empty homes back into use. It said that such homes can provide good quality affordable accommodation which can prevent homelessness and the costs associated with this. It refers to buy-back schemes, where local authorities buy the properties from the owners. These can provide temporary accommodation or be added to council stock. Where this is not possible, the Empty Homes Officer can assist owners in contacting other buyers, solicitors or letting agents.
93. The Partnership said that this approach could potentially act as an incentive for families who may have been unexpectedly left with a property. It highlighted a situation in the Western Isles, where the Empty Homes Officer contacted solicitors and care homes so that people knew where to go for advice and assistance in this situation. This prevents households from having a property lying empty which may be liable for council tax and additional bills.
94. The Partnership also referred to the Welsh Houses into Homes scheme, where loans are provided at a rate of up to 80% of the value of the property and the homes can then be re-sold or let without any restrictions being placed on the amount of rent or the resale price of the properties. It said that the scheme had led to "a significant contribution to increasing affordable housing supply". It also said that other areas have pursued "loan to occupy" models and that there is some demand for such schemes in parts of Scotland.³⁴
95. The Minister for Local Government, Housing and Planning confirmed that he would review existing loan funding models for empty homes across a number of local authorities as part of a wider review of the Government's vision for homes and communities to 2040. Part of that review will look at how more flexibility can be provided for local authorities to use affordable housing supply money to acquire empty homes where there is demand and related problems.⁵⁸
96. The Empty Homes Loan Fund has been used to varying degrees of success. However, it is not attractive to those not willing to lease their properties as affordable housing or those living in strong rental markets and is not generally

available to those who are renovating their properties to move in, but are struggling to finance their repairs. People renovating their properties may benefit from council tax discounts if they live in those Councils applying discretion to the council tax levy. We recommend that the Scottish Government review whether publicly funded loans or grant schemes including the Empty Homes Loan Fund, could be extended, or have restrictions removed, to assist such property owners. We also request an update on the status of the Rural Empty Property grant scheme.

Enforcement powers

97. The Committee explored the role of enforcement powers in bringing empty homes back into use. The Scottish Empty Homes Partnership said that Councils do not have a great range of enforcement powers. They told us that amenity and works enforcement notices to bring properties into a specific state of repair are available to use, but that Councils say that they do not have the resources to serve them and that they can take time.⁵⁹
98. The representative from Falkirk Council said of works notices-
- ” There is reluctance to use works notices—again, because of the costs. Falkirk Council does not have the budget to serve a notice, but then to have to undertake the work itself and be unable to get the money back from the owner. That is too risky.⁶⁰
99. The witness from Perth and Kinross Council said that whilst the Empty Homes Officer has no enforcement powers, they can speak to their building standards and environmental health departments which do. The difficulty with this was that-
- ” building standards officers are more concerned with public safety than with bringing the property back into use. If a building is dangerous, they are more concerned just to fence it off and keep the public away, or perhaps to remove some slates that have fallen off. It also comes down to budgets: environmental health and building standards departments do not have budgets to carry out the work. Often, if there is no chance of getting the money back, we cannot put a charge on the titles, because that is too much of a risk. Unfortunately, departments do not have the money to do that.⁶⁰

Committee Members witnessing the impact of a number of empty homes on the community



Source: Scottish Parliament

Compulsory Purchase Orders (CPOs)

100. The Committee explored the role of Compulsory Purchase Orders (CPOs).
101. Local Authorities (and many other public sector organisations) have powers to purchase land and properties without the owner's agreement, if there is considered to be a strong enough case in the public interest in doing so and the sale would otherwise not proceed without a compulsory purchase. All CPOs have to be approved by a Minister, taking into consideration the benefits of the underlying project, balanced against the rights of landowners and others with an interest in the land. The Scottish Government states that its vision for compulsory purchase is for-
 - ” A clear, accessible, consistent, effective and efficient system of legislation and policy which allows for the compulsory acquisition and purchase of legal interests in land and property for the public benefit. The provisions relating to any compensation should be fair and transparent and allow for timeous settlement.^{61 62}
102. The Scottish Empty Homes Partnership said that there was a mixed picture amongst those councils who were confident in using these powers for bringing homes back into use. Most local authorities chose to use them infrequently and those that did, did so as a last resort measure, where they had exhausted all options for engaging with the owner. Rural Housing Scotland also agreed, stating that many Councils would use them for "everything else" except single dwelling housing.⁶³ This view was reiterated by Perth and Kinross Council which said it only used CPOs on large, eyesore properties in town centres, such as large, empty hotels.⁶⁴

103. We heard from many that a lack of resources was one reason behind local authorities' reluctance to use CPOs. For example, Falkirk Council said "due to budget cuts, staff resources are stretched which means staff have very little time to be able to pull together the paperwork for a CPO".⁶⁵
104. Similarly, Edinburgh Council identified the potential upfront legal costs of raising CPOs as a potential barrier to their use. For example, the Council was in the process of looking into using a CPO to address five problematic buildings which are currently boarded up, attracting anti-social behaviour, and causing concern in the community. It said that the cost of bringing forward CPOs was £20,000-£30,000 per property. It was at this cost due to the potential risk of the court process being disputed. The cost and threat of a potential dispute could make local authorities risk averse to compulsory purchase.⁶⁶
105. The Scottish Empty Homes Partnership stated that some of the problems in using CPOs were related to pressures on legal service departments' time and to Empty Homes Officers not being aware of how to properly prepare cases and gather evidence to show that the empty property in question is a blight on the community and it is in public interest for the compulsory purchase to proceed. This causes a delay which will put the Council behind in the process.⁶³
106. The Partnership said, however, that this issue could be overcome by Empty Homes Officers being provided with the skills to do as much of the upfront work as possible, so that the requirement for legal services is minimal. It said that it had promoted this ethos at workshops it had run with the Scottish Government for Empty Homes Officers to clarify their role in the process.⁶⁷
107. Another potential barrier to using CPOs was where the owner of a property could not be traced. This is particularly a problem for properties which had been lying empty for a number of years. We also heard that difficulties can arise when the owners are unable to provide the correct documentation to show that they are the owner, which can cause a hold-up in the process.⁶⁸
108. After the usual means of trying to trace owners, such as using the land register, writing to the properties and asking neighbours and the police, there were other means by which local authorities could try and locate owners, such as through private genealogists or contacting hospitals or the estates of owners who have died. However, we heard that these methods involve undertaking substantial fieldwork which can be resource intensive. Should these attempts be exhausted, then they may be able to take no action in the absence of a known owner and the property may lie empty indefinitely, which can be problematic if the property is posing particular problems and there are major supply issues.⁶⁹
109. The Minister highlighted that there had been 13 CPOs in the last three years under housing legislation. All 13 had been accepted and so far nine had resulted in the acquisition of empty homes. He agreed that whilst this was a low uptake, the Government had taken a number of measures to encourage their use.⁷⁰ This included-
- "publishing revised guidance for Acquiring Authorities that steers them through the process from beginning to end;

- publishing a register of all CPOs submitted to Ministers since 1st January 2012, enabling authorities to identify colleagues who have promoted a similar type of CPO from whom they may learn;
 - meeting with approximately 26 local authorities to discuss their experience of utilising CPO and to provide advice on potential usage;
 - publishing a series of case studies on the use of CPO for different purposes; and
 - hosting (in partnership with the Compulsory Purchase Association Scotland and RICS) a number of free to attend training, good practice sharing and networking events for local authority staff to allow them to hear from those who have successfully utilised CPO." ⁷¹
110. In addition, the Minister confirmed that his team of officials would make themselves available to provide guidance to those local authorities looking to make CPOs. He added that another factor which could encourage more local authorities to use CPOs was that their average turnaround time has reduced from 377 days to 160 days, with a recent case being done in 21 days. ⁷²
111. The Minister said that he had now started to see progress being made, as he had had many recent discussions with local authorities now looking to use the powers. He agreed that part of the reason that some local authorities were unwilling to use CPOs was because many were risk averse to using them for housing and a culture change was required. He said that Government had a role in removing that risk aversion. ⁷³
112. The Minister confirmed that the Government would develop-
- ” further technical advice on aspects of the CPO process and we will look at whether more training is required. We will, as always, consult key stakeholders to help us in preparing that advice and—of course—to provide us with the necessary knowledge about future legislative reform. ³¹
113. In response to views contained within the the Scottish Law Commission's Discussion Paper on Compulsory Purchase that "the current legislation as to compulsory purchase should be repealed and replaced by a new statute" ⁷⁴, the Minister confirmed that he would consider whether there needed to be legislative change to the CPO process. However, this would involve a substantial amount of work and the unpicking of existing legislation. Due to most of the Government's solicitors being tied up in other issues, including Brexit, he said it was unlikely that any such legislation would be introduced this Session. ⁷²
114. The Minister, in the meantime, wrote to COSLA and all local authorities on 20 September encouraging them to consider using CPOs to acquire the land and property needed to enable projects that are in the public interest to proceed. The letter sets out the refreshed guidance on CPOs and reiterates the offer of support from his officials to those Local Authorities considering using the powers. ²⁰

115. It is welcome that the Scottish Government has taken active steps to improve the process, and encourage the delivery, of CPOs as a method of bringing more empty properties into use. However, the low uptake of the powers to date calls into question councils' resource and willingness to support these powers and their complexity. As the low uptake of CPOs as a method to bring empty homes back into use has previously been put down to their complexity, to competing resources, and to councils' risk-aversion to using court proceedings against private individuals, it is a welcome step that the Scottish Government has taken measures to improve their uptake and plans to keep this under review.
116. Whilst it may be too soon to assess whether improvements made by the Scottish Government to CPOs have impacted on bringing more empty homes back into use, the Committee would welcome an update on how the Scottish Government will monitor local authorities' uptake of CPOs and make further improvements, if necessary. In doing so, the Committee recommends that the Scottish Government sets out how it can tackle common blockages to using CPOs, such as an inability to engage with, or locate an owner, to ensure that the most problematic properties causing blight can be tackled. We would also welcome an update on a timescale for a legislative review of CPO powers.

Compulsory Sales Orders (CSOs)

117. Many witnesses called for the introduction of Compulsory Sales Orders (CSOs).
118. The Land Reform Review Group was established by the Scottish Government "to examine the role of Scotland's system of land ownership in the relationship between the people and land of Scotland, and make proposals for land reform measures". As part of its recommendations to the Government in its 2014 report it said that "Local Authorities should have the right to exercise a Compulsory Sale Order over an area of vacant or derelict land".⁷⁵
119. Following that recommendation, the Government consulted on CSOs in the summer of 2015 and committed to "bring forward proposals to modernise and improve powers for compulsory sales orders" as part of its 2016 manifesto. It said-

” These powers need to be effective to tackle the blight of abandoned buildings and small plots of land in town centres and communities but also adequately protect the rights of owners. We will also review small landholding legislation.⁷⁶
120. The Scottish Government worked with the Scottish Land Commission and other stakeholders "to develop detailed proposals for how a new CSO mechanism could work in practice. " The Scottish Land Commission published its proposals, which it said were "intended to provide the Scottish Government with a robust framework for developing a new CSO power" in August 2018. Yet despite this and its manifesto commitment from 2016, the Scottish Government has yet to bring forward further proposals or legislation which would put the powers in place.⁷⁷

121. The majority of those who provided evidence to the Committee, including the Scottish Empty Homes Partnership, Scottish Land and Estates, and Rural Housing Scotland, supported the introduction of CSO powers as an additional tool for dealing with single dwellings which are causing blights on communities when all other interventions have failed. Local authorities, however, told us that these would only be a viable option if they are less complicated, less financially risky and less resource intensive to use than CPOs. ⁷⁸
122. The Scottish Empty Homes Partnership said that it had also called on the Scottish Government to bring forward legislation to allow local authorities to make CSOs as part of its programme for government. Whilst noting that there were potential human rights concerns associated with the use of these powers, similar to those which apply to the use of the CPO powers, it said that CSOs should only be used where it could be evidenced that the property is a blight on the community and all attempts to engage with the owner had been exhausted. On why it felt that CSOs would be less financially risky and therefore preferable for local authorities to use over CPOs, it stated-
- ” it will force the property to market and will stop the need for a back-to-back agreement with either a developer or a housing association to take it over. It will eliminate the risk for the local authority. ⁷⁹
123. In a letter to the Committee on 16 July 2019, the Minister confirmed that the Scottish Government still intended to bring forward CSO legislation, but added-
- ” given that CSOs would result in the expropriation of private property rights in support of the public interest there will need to be appropriate checks and balances in the process which ensure that owners’ rights are adequately considered, and that the process is compatible with the European Convention on Human Rights. ⁷¹
124. The Minister confirmed, however, "that given other legislative priorities and pressures, it is unlikely that there will be scope to introduce legislation in the current Parliamentary term." As previously stated, he said the reason was that the Scottish Government's legal officers were tied up with other issues, including Brexit. He added that the introduction of this legislation, alongside reviews of both CPO and land value capture law would require unpicking the Lands Clauses Consolidation (Scotland) Act 1845. ⁸⁰ He said that this, alongside ensuring that the system is ECHR compliant, would be a large undertaking. ⁸¹
125. Given the strength of support for the development of CSO powers, the low-uptake of CPO powers and a manifesto commitment to bring CSO powers forward in the current Parliamentary session, it is disappointing that draft proposals or legislation pertaining to CSO powers have not emerged.
126. Whilst acknowledging the Minister's views on legislative priorities and the impact of Brexit, the Committee recommends that the Scottish Government brings forward strong proposals for the introduction of these powers and fulfils its manifesto commitment to bring them forward in this Parliamentary Session.

127. In view of the commonly cited issues associated with CPOs, the Committee would welcome an update from the Scottish Government on the development of CSO powers and how it will ensure that CSOs are less complicated, less resource intensive and less financially risky for Councils to use as an alternative to CPOs.

Annex A - Summary of Written and Oral Evidence

The written and oral evidence received by the Committee can be found on the Committee's webpage at:

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/111620.aspx>

9th Meeting, 2019 (Session 5) Wednesday 20 March 2019

Work programme (in private): The Committee considered its work programme and agreed...to hold a future inquiry into Empty homes in Scotland.

11th Meeting, 2019 (Session 5) Wednesday 03 April 2019

Work programme (in private): The Committee considered its work programme and agreed...the remit and call for views on its inquiry into Empty homes in Scotland.

14th Meeting, 2019 (Session 5) Wednesday 15 May 2019

Empty homes in Scotland: The Committee took evidence from—

- Shaheena Din, National Manager, Scottish Empty Homes Partnership;
- Derek Logie, Chief Executive, Rural Housing Scotland.

Empty homes in Scotland (in private): The Committee considered the evidence heard earlier in the meeting and agreed witnesses for a forthcoming oral evidence session. The Committee also agreed to undertake fact-finding visits as part of its inquiry.

Following the meeting on 15 May 2019, the Scottish Empty Homes Partnership agreed to provide the following additional written evidence:

- [Empty Homes Value Tool \(526KB pdf\)](#)
- [Council Tax Variation Charge Report - 2019/20 \(342KB pdf\)](#)
- [Tracing an owner case study \(112KB pdf\)](#)
- [Scottish Empty Homes Partnership Survey Questions \(2,595KB pdf\)](#)

Informal Session on Empty Homes in Scotland: 22 May 2019

On 22 May 2019, the Committee held an informal session with people who have had lived experience of empty homes. A summary note of the discussion can be found below:

- [Summary Note of Informal Session on Empty Homes in Scotland \(68KB pdf\)](#)

17th Meeting, 2019 (Session 5) Wednesday 5 June 2019

Empty homes in Scotland: The Committee took evidence from—

- Sarah-Jane Laing, Executive Director, Scottish Land and Estates;

- Andrew Mitchell, Regulatory Services Manager, Housing and Regulatory Services, City of Edinburgh Council;
- Joan MacLellan, Senior Strategy Officer, Corporate and Housing Services, Falkirk Council;
- Maureen Flynn, Strategy & Policy Advisor, Housing & Technical Resources, South Lanarkshire Council;
- Isobel Butt, Vacant Property Development Officer, Perth and Kinross Council.

Empty homes in Scotland (in private): The Committee considered the evidence heard earlier in the meeting and agreed to write to the Scottish Government on issues raised during the discussion.

Following the meeting on 5 June 2019, Perth and Kinross Council agreed to share with the Committee a copy of a report on discretion when applying the Council Tax levy on empty homes:

- [Report on Discretion on Applying Council Tax surcharges on Long Term Empty Dwellings, 19 April 2017 \(138KB pdf\)](#)

Following the meeting on 5 June 2019, the Committee agreed to write to the Scottish Government in relation to compulsory purchase orders and compulsory sales orders:

- [Correspondence from the Convener to the Minister for Local Government, Housing and Planning of 13 June 2019 \(98KB pdf\)](#)
- [Response from the Minister for Local Government, Housing and Planning to the Convener of 16 July 2019 \(106KB pdf\)](#)

Visit to East Ayrshire: 24 June 2019

Members of the Committee visited East Ayrshire on Monday 24 June 2019 to discuss the issue of empty homes with representatives of the community. A summary note of the discussion can be found below:

- [Summary Note of Visit to East Ayrshire \(606KB pdf\)](#)

20th Meeting, 2019 (Session 5) Wednesday 4 September 2019

Empty homes in Scotland: The Committee took evidence from—

- Kevin Stewart, Minister for Local Government, Housing and Planning, Scottish Government

Empty homes in Scotland (in private): The Committee considered the evidence heard earlier in the meeting and agreed to consider a draft report in private at a future meeting.

Following the meeting on 4 September 2019, the Minister for Local Government, Housing and Planning wrote to the Committee, to COSLA and to all local authorities:

- [Correspondence from the Minister for Local Government, Housing and Planning to the Convener of 20 September 2019 \(96KB pdf\)](#)

- [Correspondence from the Minister for Local Government, Housing and Planning to COSLA of 20 September 2019 \(106KB pdf\)](#)
- [Correspondence from the Minister for Local Government, Housing and Planning to local authorities of 20 September 2019 \(105KB pdf\)](#)

26th Meeting, 2019 (Session 5) Wednesday 30 October 2019

Empty homes in Scotland (in private): The Committee considered and agreed a draft report on empty homes in Scotland. The Committee also agreed to make arrangements for its publication by correspondence.

Written Submissions

The written submissions received by the Committee can be found on the Committee's webpage at:

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/111684.aspx>

The written submissions were received from:

- Alastair Struthers
- Fife Council
- West Dunbartonshire Council
- Association of Scotland's Self-Caterers
- VELUX Company Ltd
- Anonymous
- Glasgow City Council
- Falkirk Council
- Dumfries and Galloway Council
- Rural Housing Scotland
- Scottish Land and Estates
- Scottish Empty Homes Partnership / Shelter Scotland
- Angus Council
- Perth and Kinross Council
- Aberdeen City Council
- North Lanarkshire Council
- East Lothian Council
- Stirling Council

- Aberdeenshire Council
- Arla Propertymark and Naea Propertymark
- South Lanarkshire Council
- Built Environment Forum Scotland
- Comhairle nan Eilean Siar
- Inverclyde Council
- Argyll and Bute Council
- City of Edinburgh Council
- Historic Environment Scotland
- Association of Local Authority Chief Housing Officers
- Gerry McCann
- Anonymous
- Anonymous

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