



***Guidelines for Monitoring Empty Homes
Interventions:
A Standard Approach for Local Authorities***

Final Version 2

July 2009

Approved February 2010

Version 2a. Updated December 2010 with Empty Homes Network information

Table of Contents

Introduction.....	3
Scope	3
Purpose	3
Background	3
Help with interpreting the Guidelines	3
Improving the Guidelines	3
Local and national performance monitoring.....	4
Arrangement of Sections.....	4
Version History.....	4
Guidelines	5
Definitions and usage	5
What is to be monitored	5
Counting successful outcomes.....	5
Profiling successful outcomes.....	5
Ineligible dwellings and circumstances.....	6
Identifying "successful interventions" - essential criteria	6
"Material Contribution" - local authority interventions always presumed to produce successful outcomes.....	6
"Material Contribution" – enforcement action	7
"Material Contribution" – making judgements on the balance of probability	7
Successes achieved via partners.....	7
Supporting evidence.....	7
Interpretation and Special Cases.....	8
Introduction.....	8
Counting successful outcomes.....	8
Profiling successful outcomes.....	8
Duration of vacancy – re-occupied properties.....	9
Ineligible dwellings and circumstances	9
Identifying "successful interventions" - essential criteria: "Unreasonable Delay"	9
Re-occupation following change in owner's circumstances un-related to the local authority's intervention	9
"Material Contribution" - local authority interventions always presumed to produce successful outcomes.....	10
"Material Contribution" - interventions that can be inferred to produce success subject to conditions	10
"Material Contribution" – making judgements on the balance of probability	10
Balance of Probability - Level of Proof.....	10
"Material Contribution": special cases - granting of permissions and approvals.....	11
"Material Contribution": special cases - dwelling not empty at time of initial contact	11
Successes achieved via partners.....	11
Annex A - Rationale	13
What was achieved?.....	13
What difference did the local authority make?.....	13
How long empty?	15
Annex B - Case Studies	17

Introduction

Scope

1. This document has been prepared by the Empty Homes Network (EHN – previously the National Association of Empty Property Practitioners). It describes a standard approach that housing authorities are encouraged to adopt for recording and reporting their successful interventions to address the “empty homes” issue in their areas.

Purpose

2. The aim is to provide a common, transparent set of criteria for use in monitoring local authority empty homes work (other than work that addresses vacancy in existing social housing). A common reporting framework facilitates the setting of local performance indicators, creates the opportunity for benchmarking between comparable local authorities and provides information that can be used in policy- and strategy-making at different levels of government.
3. With this in mind, the EHN is lobbying for the annual Housing Strategy Statistical Appendix [HSSA] prepared by local authorities to include monitoring of successful empty homes outcomes in accordance with these Guidelines.

Background

4. These Guidelines build on the experience gained from the Guidelines drawn up by the EHN and endorsed by the government in the context of Best Value Performance Indicator 64 (BVPI64). The latter was withdrawn by the government when it introduced its National Indicator set in 2008-09. Although we welcome reductions in the burdens placed on local authorities, we believe that empty homes are too important in the public eye for the work of local authorities to be entirely ignored and have developed this monitoring framework to meet this deficit.

Help with interpreting the Guidelines

5. EHN will continue to clarify, refine and develop these Guidelines. A small sub-group reporting to the Executive Committee exists to help with interpretation and to identify where further refinements are required. This can be for the benefit of either local authorities, auditors or other stakeholders. Where issues arise, local authorities are encouraged to involve EHN sooner rather than later.

Improving the Guidelines

6. No guidance can hope to be definitive. There will always be scope for judgement on a case-by-case basis. Moreover, there will be situations where fairly trivial interventions will count as successes under these Guidelines and others where hard work may go unrecognised. It is hoped that these inconsistencies will for the most part balance one another out. If a local authority feels that the Guidelines do not give sufficient recognition to cases they would regard as being successes we suggest
 - they consider adopting additional Local Performance Indicators; and/or

- they propose refinements to the Guidelines.
7. Similarly if stakeholders become aware of loopholes whereby some authorities are counting successes that don't reasonably fit with the intention of monitoring genuine empty homes work, we hope this will be brought to our attention.

Local and national performance monitoring

8. It remains a key concern of EHN to ensure that local authorities have proper empty property strategies with targets set in response to local circumstances. We believe the Guidelines provide a basis for setting targets and monitoring performance at local authority and LAA level. We also encourage and will support the establishment of benchmarking between comparable local authorities.
9. But whilst these Guidelines articulate a much more refined framework than BVPI64, we are also clear that this does **NOT create a basis for comparing and ranking, across the entire country, the appropriateness or effectiveness of local empty homes strategies.** Nor do we consider it possible to judge trends in the effectiveness of a local empty homes initiative solely by comparing year-on-year figures for the same authority. There are far too many other contingent factors outside of local authority control to allow simplistic judgements to be made from purely quantitative data. Qualitative judgements based on all the local circumstances must **always** play a prominent role in evaluating performance.

Arrangement of Sections

10. The main guidelines are followed by sections that provide further clarification on interpretation and special cases and outline the rationale.

Version History

- Version 1 – discussion draft May 2009
- Version 2 – discussion draft July 2009 following Executive Meeting 10th June 2009, approved as final version by Executive Meeting 10th February 2010
 - ⇒ *Summary* and main document amalgamated
 - ⇒ Rent / deposit guarantee interventions disaggregated from other re-occupation (but no other substantive changes)
 - ⇒ *Guidelines* main section abbreviated
 - ⇒ More detail pushed into *Interpretation and Special Cases* section
 - ⇒ Separate *Rationale* section created
 - ⇒ Improvements to wording
- Version 2a – revised to refer to the Empty Homes Network instead of the National Association of Empty Property Practitioners.

Guidelines

Definitions and usage

1. In this document:
 - “dwelling” and “home” are used inter-changeably
 - “empty” or “vacant” mean “not in residential occupation”; this does not preclude the unoccupied building containing furniture or other goods;
 - “intervention” means one or more actions aimed at bringing a property into residential occupation
 - “positive outcome” refers to all those outcomes where empty property is brought into residential use (or demolished) regardless of whether the local authority is involved or responsible
 - “successful outcome” refers to the occupation or demolition of a dwelling following action by the local authority that meets the criteria set out in these Guidelines and is eligible to be counted for monitoring purposes, and “successful” should be construed accordingly; “success” is an abbreviation of “successful outcome”

What is to be monitored

2. The objective of the monitoring is to record **the number of eligible dwellings either demolished or brought into residential occupation (whether through re-use or conversion of empty property) attributable to eligible interventions by a housing authority.**

Counting successful outcomes

3. The council tax definition of a dwelling should be used for these monitoring purposes ie dwellings should normally be individually identifiable on council tax valuation lists.

Profiling successful outcomes

4. Each success should be reported under one of the following headings:
 - A dwellings vacant for less than 6 months prior to re-occupation (except “D”)
 - B dwellings vacant for 6 to 24 months prior to re-occupation (except “D”)
 - C dwellings vacant for over 24 months prior to re-occupation (except “D”)
 - D dwellings where the sole local authority intervention was to agree, approve, fund or issue a rent and/or deposit guarantee and/or rent-in-advance
 - E dwellings never previously occupied and brought into use after standing empty for over 6 months following completion
 - F dwellings demolished
 - G additional dwellings created through conversion of vacant residential or redundant commercial space.

Ineligible dwellings and circumstances

5. A positive outcome should **not** be counted as a success if it concerns:
 - existing social housing, ie a dwelling owned by the local authority, Registered Social Landlord, local housing company or other similar provider at the time it became vacant
 - a dwelling that became vacant as a foreseeable result of actions taken by the local authority
 - any dwelling where the letting that preceded the vacancy was through a nomination or referral by the local authority
 - a vacant dwelling taken into the control of the local authority or its partner but then subject to unreasonable delay in securing re-occupation.

Identifying "successful interventions" - essential criteria

6. To record a success, the local authority needs to demonstrate that the local authority's intervention **made a material contribution to a positive outcome that occurred without unreasonable delay**. It should be possible to evidence a chain of events unfolding without unreasonable delay following the local authority intervention and to show that, on the balance of probability, one event led on to the next as a precondition or cause.

"Material Contribution" - local authority interventions always presumed to produce successful outcomes

7. In the case of the following interventions, the contribution of the local authority is so closely bound up with the final positive outcome that success can always be claimed:
 - compulsory purchase
 - enforced sale
 - demolition as a result of order made by the local authority
 - implementation of an Empty Dwelling Management Order
 - acquisition of the freehold or long leasehold by the local authority
 - grant-funding or loan from the authority's own resources
 - bringing a dwelling within an authority-run rent and deposit guarantee scheme
 - bringing a dwelling into management of an authority's social letting scheme
 - lettings made under a legal agreement with the Council
 - direct leasing of a dwelling (PSL scheme)
8. Additionally, a success can always be claimed where a property owner is on record as saying that the local authority's intervention has helped achieve occupation more quickly than would otherwise have been the case.

"Material Contribution" – enforcement action

9. Where there is no other direct evidence indicating a cause-effect relationship between the positive outcome and local authority intervention, success can nevertheless be **inferred** where re-occupation follows the threat or initiation of enforcement action **provided**
- any actions taken by the owner that result in re-occupation commence within 3 months of the local authority intervention; **and**
 - for **threats** of enforcement action (where the legally prescribed steps involved in the enforcement action have not yet begun), the threat can be documented to have occurred in the context of a focused attempt to bring the property back into use.

"Material Contribution" – making judgements on the balance of probability

10. There remain interventions where the contribution to a successful outcome can only be decided by a judgement made on the balance of probability. To count a success, the local authority should be able to produce evidence indicating that as a result of its intervention:
- the property was brought back into use more quickly than would otherwise have been the case; or
 - the owner took a different course of action to bring the property back into use than previously proposed.
11. In these circumstances it is the **degree of engagement** is a key factor – the greater the engagement with the owner, the more reasonable it is to decide that, on the balance of probability, the authority's action helped achieve a successful outcome. In the absence of evidence of such engagement, positive outcomes that do not meet any other criteria should not be counted as successes.

Successes achieved via partners

12. Local authorities can claim successes achieved by partners provided:
- the relationship with the partner is sufficiently strong that the local authority can be considered to be acting at arms length
 - the partner's contribution to the successful outcome meets the same criteria as those set out for local authorities above.

Supporting evidence

13. Successes should only be counted where the local authority can provide sufficient evidence to show compliance with these criteria.

Interpretation and Special Cases

Introduction

1. This section indicates how the Guidelines should be interpreted in particular cases.

Counting successful outcomes

2. Occupation of individual bedsits within Houses in Multiple Occupation (HMOs) should not be counted (except where the units are sufficiently self-contained to appear separately on the council tax valuation list).
3. Self-contained annexes (eligible for council tax exemption code "T") can be treated as separate dwellings for the purposes of the Guidelines.
4. Properties last used as dwellings, but subsequently removed from valuation lists or residential rating lists, can be counted as dwellings being re-occupied for the purpose of these Guidelines.
5. When an empty dwelling (or residential space) is converted to produce more dwellings than previously existed
 - the number of pre-existing dwellings (if empty) is counted under "re-occupation";
 - the number of additional dwellings created through the conversion is counted under "additional dwellings created through conversion".
6. When an empty dwelling (or residential space) is converted to produce fewer dwellings than previously existed
 - the number of dwellings that remain following the conversion is counted under "re-occupation";
 - the balance is counted under "demolition".
7. New dwellings built on the site of demolished buildings fall outside this monitoring framework.

Profiling successful outcomes

8. The reporting categories are mutually exclusive: each success should appear under one heading only.
9. With standing stock (reporting category E), there is a vacancy of threshold of 6 months from completion. As different authorities have different criteria for adding new dwellings to valuation lists, a common sense definition of "completion" may be used; but if it is not a date derived from council tax records then sufficient alternative evidence would need to be collected to justify the presumed date of completion.
10. Where the successful outcome involves a dwelling being brought into a guarantee scheme, **it may still be possible to include the dwelling under one of the main re-occupation reporting categories** (A, B and C) if it meets relevant

criteria. The separate category reporting category D is for cases where the **only** involvement of the authority is in the issuance of the guarantee.

Duration of vacancy – re-occupied properties

11. When re-occupation (reporting categories A, B and C) is achieved through re-configuration of empty dwellings, then the vacancy banding of the previously existing dwelling(s) is applied to the corresponding number of dwellings present following conversion.
12. Where there are fewer dwellings following conversion, the vacancy bandings of the dwellings that had been empty longest should be assigned to the dwellings remaining after conversion.

Ineligible dwellings and circumstances

13. Note that the critical question when considering ownership is: **who had ownership or control of the dwelling at the time it became vacant?** A home may well have passed to the control of social housing provider at the point when it is first re-occupied.
14. Although securing re-occupation of existing social housing is ineligible, it is possible to count as successes the conversion to dwellings of **commercial property** owned by social housing providers.
15. Securing re-occupation of dwellings owned by public bodies which are not housing authorities or registered social landlords can also be counted as successes.

Identifying "successful interventions" - essential criteria: "Unreasonable Delay"

16. A success cannot be counted where
 - the interval between the local authority intervention and the succeeding action is so long that it is no longer reasonable to infer that the one caused the other
 - the intervention results in the local authority gaining control of the property and the local authority then fails to pursue reoccupation with sufficient vigour, which is taken to be periods of inaction totalling in aggregate 12 months.

Re-occupation following change in owner's circumstances un-related to the local authority's intervention

17. A success should not be counted where it is clear that a positive outcome following a local authority intervention is really the result of another cause, such as a change in the circumstances of the case. For example if the local authority has been working with an owner who subsequently dies and the property is quickly brought back into use by the person inheriting the dwelling without reference to the local authority, then this could not be construed as a local authority success: it would not be possible in such a case to show (starting with the local authority intervention) that "on the balance of probability, one event led on to the next as a precondition or cause".

"Material Contribution" - local authority interventions always presumed to produce successful outcomes

18. The **renewal or extension** of a lease, EDMO or nomination agreement or top-up grant funding would not normally count unless control of the dwelling had both reverted to the owner and been occupied independent of any local authority involvement since the previous success. A brief break not involving re-occupation would not count.

"Material Contribution" - interventions that can be inferred to produce success subject to conditions

19. Where a successful outcome follows a threat of enforcement action (point 9 of the Guidelines), the threat
- must be specific to the circumstances of the property in question rather than being a mail-shot
 - must state that the next step would be the commencement of enforcement action
 - should be in writing and make reference to previous attempts to engage with the owner on specific dates.

"Material Contribution" – making judgements on the balance of probability

20. Engagement implies interaction between the property owner and the local authority. Where the owner does not respond, the presumption should be that the local authority's intervention has not been successful, assuming that criteria set out in the preceding section are not met.
21. Even if there has been some level of engagement, the following interventions should not be treated as leading to success **in the absence of specific evidence suggesting a cause-effect relationship** between the intervention and the property being re-occupied
- the simple provision of advice and information (eg in the form of an information pack)
 - reminder letters encouraging the owner to bring the property back into use.

"Material Contribution" – rent / deposit guarantees, rent in advance etc

22. There are a number of scenarios that can arise with rent / deposit guarantees issued on properties, which need to be carefully distinguished as described below.
23. **Tenant approaches the council needing guarantee or rent-in-advance:** not counted at all.
24. **Subsequent lets after initial guarantee or rent-in-advance:** not counted at all.
25. **Letting occurs following normal empty homes case-work meeting other criteria for success:** counted under re-occupation categories "A", "B" or "C" as appropriate.

26. **Other cases:** counted under reporting category "D". These are typically where a landlord approaches the council to offer his or her property (possibly in response to Council advertising) but there is no other significant involvement by the local authority other than simply issuing or supporting the guarantee / rent-in-advance etc.

Balance of Probability - Level of Proof

27. Where relying on a judgement made on the balance of probability, authorities should be able to provide adequate evidence to support the judgement. This is **not** proof **beyond a reasonable doubt**. In such instances, good case notes, including details of the owner's intention and circumstances at the time of the initial contact, would be a key piece of evidence in establishing the probable impact of a local authority's intervention.

"Material Contribution": special cases - granting of permissions and approvals

28. The granting of permissions and approvals by a local authority, as part of its normal statutory functions, are not "interventions" for the purpose of these Guidelines. But constructive advice by planning officers or building control officers could count as a successful intervention if it met relevant criteria indicated above.

"Material Contribution": special cases - dwelling not empty at time of initial contact

29. Where the local authority secures re-occupation of an empty dwelling that was not empty when the case was initiated, a success can only be claimed if it can be documented that the progression towards vacancy was substantially and irrevocably underway at the time of the initial contact eg where
- an owner-occupier has already bought another property and is committed to moving into it
 - a tenant has given notice to the landlord or the landlord has given the tenant notice
 - an owner-occupier has firmly committed themselves to moving to a new job or going abroad

Successes achieved via partners

30. Where an individual property is referred to a partner whose intervention leads to a positive outcome this would normally count as a local authority success. Examples would include:
- referral to a housing association leasing or management scheme
 - referral to a housing association or developer for purchase
 - referral to a rent / deposit guarantee scheme run by a local voluntary organisation
31. The following can be construed as **commissioning** by the local authority:
- support by the local authority for a bid to the HCA or other body for grant

- leasing and management schemes set up under contract to the local authority
- formal partnership arrangements or contracts that impose on the partner organisation an obligation to bring empty properties back into use.

32. The following do not qualify as commissioning by the local authority:

- financial support to an organisation not specifically tied to bringing empty properties back into use

Annex A – Rationale

Introduction

1. These Guidelines are intended to help generate statistics that make sense to members of the public who want to know what their local authority is doing in respect of empty homes, what added value their local authority is bringing to the issue. Typical questions would include:
 - what did you actually achieve (what was the outcome)?
 - what difference did the local authority make?
 - how long had the property been empty?

What was achieved?

2. These revised Guidelines allow much clearer answers to the above questions than hitherto, being no longer constrained by the wording of Best Value Performance Indicator 64. For example, the different types of outcome such as demolition, re-occupation, creation of new dwellings through conversion are now counted separately.
3. One particular type of empty property not previously identified is “standing stock”, where new-build properties remain unoccupied because of failures in the housing market. We consider it important both to recognise that, after a reasonable elapse of time, such properties legitimately fall within empty homes strategies whilst at the same time distinguishing them from other empty properties. We have set a threshold of 6 months for the properties to have been empty before any intervention is considered an “empty homes” intervention. (This avoids routine purchases of new-build homes being counted inappropriately under empty property work.)
4. We have also thought it useful to distinguish cases where the local authority’s involvement is solely to issue or support rent and/or deposit guarantees. Such guarantees do represent a form of local authority intervention which is closely tied to the re-occupation of the home, but the engagement with the empty home is often of a minimal kind. There is a case for excluding such interventions altogether but there are scenarios, eg in areas of low demand, where such interventions can make a genuine contribution to dealing with the empty homes issue and for the time being these interventions are counted but reported as a separate category.

What difference did the local authority make?

5. The successes of empty homes initiatives are normally illustrated with “before” pictures of semi-derelict, boarded-up homes and “after” pictures of the same homes refurbished and re-occupied. In an ideal world, no doubt, each success being counted would involve the local authority being able to demonstrate its responsibility for such a transformation, and with the further proviso that, had the local authority not intervened, the home would still be in its “before” state. Amongst empty homes practitioners, too, transformations that match this stereotype are most highly prized and celebrated. But practitioners also know that few actual interventions fit this pattern: the process of securing re-occupation can involve many partners other than the local authority, the original state of a property is rarely as bad as described above

and, where owners bring properties back into use without engaging with the local authority, as often happens, it can be hard to prove that local authority pressure was the catalyst. Regardless of this, the further that statistical returns depart from the stereotype, the more their credibility is subject to challenge making it essential to discount spurious successes.

6. One particular category that must be screened out to maintain credibility is where the local authority itself was in control of the home when it became vacant. This automatically rules out Housing Revenue Account homes (where performance is in any case monitored separately). But the principle is extended to the homes of other social housing providers (RSLs, local housing companies etc): the fact that such bodies are subject to the strategic levers available to local authorities and their homes are subject to local authority nomination rights means it would be inappropriate to include them as "empty homes successes". If such dwellings were to be included, this would lead to the anomalous situation that interventions in a stock-retaining authority could not be counted whereas the same intervention in a stock-transfer authority could be counted. And it would be hard to devise wording that would prevent routine processes for letting social housing qualifying as "successes". If, in a particular area, the local authority's role in the reoccupation of such homes is strategically important then local performance monitoring can be introduced.
7. Similar considerations apply to other dwellings falling vacant where an authority has nomination rights **prior to the vacancy occurring**; or where it has established a relationship with a landlord by referring the previous tenant (eg as with a rent and deposit guarantee scheme). In these cases the **initial** letting only is normally eligible to be counted.
8. Maintaining credibility also necessitates excluding cases where the vacancy of the home is a consequence of actions taken by the local authority. For example, an imminent CPO associated with a regeneration scheme might cause occupants to leave their home prior to transfer to the local authority, but it would be misleading to include any subsequent demolition as an empty homes success as the home would not have been empty in the first place were it not for the local authority's actions. Similarly, it would be a travesty to count reoccupation following the purchase by an RSL of an occupied property which is vacated to allow the sale to proceed with vacant possession, even though it would be a private sector empty for a brief period prior to purchase. But the Guidelines do identify some very specific cases where it may be possible to count a success when the property is occupied at the time of first contact.
9. A further issue now addressed for the first time in these Guidelines is "unreasonable delay" in the process of bringing empty properties back into use. The path to re-occupation can be a tortuous and lengthy one, but there comes a point where – if a property has fallen under the control of the local authority or its partner – serious delay in pursuing the case through to reoccupation would make it inappropriate to claim a success down the line. The credibility of empty homes statistics would be significantly undermined if they included, for example, homes purchased by a local authority and then held empty for years pending regeneration. Arguably the homes might have been re-occupied more quickly had the authority followed a different route or facilitated short-life housing. Nevertheless, a generous 12 months aggregate of inaction has been allowed to accommodate circumstances outside of the control of the local authority.
10. With any intervention there remains the fundamental problem that properties hardly ever remain empty indefinitely and it is impossible to know what would have happened had the local authority not taken action. Thus there is no realistic scope for

a nuanced assessment of the added value of the local authority contribution: either an intervention has to be considered to have resulted in success, or not. Where a success is counted, it must be accepted that the property could have come back into use anyway by other means: all that is being claimed is that the local authority had a material involvement in what actually happened.

11. The simplest cases are those where the local authority involvement is integral to the specific outcome (paragraph 7 of the Guidelines). Next easiest are the cases where the property owner engages with the local authority and where it is possible to evidence through the case notes the local authority influence on the process of re-occupation (although the simple fact of interaction with the owner does not on its own warrant claiming a success).
12. Most difficult to determine are those many cases where the property owner will not engage with the local authority. For local authority statistics to be auditable, there needs to be some evidence linking local authority actions such as warning or reminder letters with re-occupation. Without further evidence, simply churning out regular letters cannot be sufficient to warrant claiming a success even if in some cases it might be effective. However, it has become well-established in practice that **enforcement action** by the local authority can galvanise owners into action. For the first time the Guidelines recognise this and allow success to be claimed where enforcement action is actually initiated, or, subject to some important conditions, threatened—provided the owner then takes positive steps within a reasonable time frame.

How long empty?

13. One contentious issue has always been the relevance of how long a dwelling is empty before being brought back into use. It is widely accepted that, there is a distinction to be made between so-called “transactional empties”, occurring as an inevitable side-effect of the normal turnover of homes in the market, and longer-term empties (often called “problematic empties”). The longer-term, problematic empties are the paradigmatic empty homes that are highlighted in any discussion of the issue and are clearly of most concern to most people.
14. Traditionally¹, reporting on total numbers of empties separates out homes that have been empty six months or longer. Our view is that this is not refined enough because many transactional empties can take over 6 months to bring back into use eg where some refurbishment is being carried out after a change of ownership. After consulting our members, we have addressed this problem in a practical way by identifying the following 3 reporting bands for duration of vacancy in respect of properties being re-occupied: less than 6 months, 6 months to two years, and over two years. The traditional split between transactional and problematic empties can readily be calculated by aggregating the second and third of these bands.
15. We consider it important to continue reporting interventions with short-term empties (the first band) because prevention is a fundamental principle. Moreover many local authority interventions with short term empties produce housing for those in housing need (eg via leasing schemes) thus addressing concerns about the link between homelessness and homes that are standing empty. Nor, in any case, is there an automatic correlation between the length of time a property has been empty and the added value of local authority intervention. A property empty for 10 years may be

¹eg within the HSSA reporting framework

close to being reoccupied when the local authority gets involved and a newly empty home might lie empty for 10 years if the local authority did not intervene.

16. The foregoing applies to empties being re-occupied. But we don't think it is worth recording vacancy bands for other types of outcome. Regarding **demolition**, as dwellings may wait a long time to be demolished it would be difficult to distinguish between dwellings that were demolished because they had been vacant a long time, and those that were vacant a long time because they were going to be demolished: so any vacancy banding could be highly misleading. Where **conversions of commercial space**, are concerned, determining when - or even whether - such space becomes truly "empty" can be highly subjective and difficult to evidence. It will often be used for storage or other marginal uses before conversion. So we consider that attempting to apply vacancy bandings to conversions would make the monitoring framework more complicated without providing reliable, auditable data.

Annex B - Case Studies

Case 1: The Mail-out

A Local Authority in a high-demand area writes to five hundred owners of empty property at the beginning of the financial year, sending them a full information pack about the schemes on offer from the Council, on the advantages of private letting and the disadvantages of leaving their properties empty. At the end of the year, based on Council Tax records, only two hundred of these five hundred properties remain empty.

The three hundred “successful outcomes” should not be counted as successes except where there is specific evidence that the info pack had a material impact on the re-occupation of the property.

If there were a reliable way of establishing in which cases the information pack had actually proved the **catalyst** in helping the owner bring the property back into use, then those cases could be counted. This might be the case where the owner contacted the Empty Property Practitioner after receiving the information pack and the EPP helped them towards a solution.

Feedback about the impact of the information might also be gathered via a Customer Satisfaction Survey. We would not regard favourable feedback from owners on the information pack (“it was very useful”) as being sufficient justification for counting a success: the owner would need to indicate more specifically that the information pack had resulted in changed behaviour or accelerated the re-occupation process. Any Customer Survey should therefore be designed with the appropriate questions in mind.

Case 2: The Leasing Enquiry

A buy-to-let owner phones the Empty Property Hotline about an empty three-bedroom house which she is decorating and repairing following the departure of the last tenants. The owner is interested in the PSL Leasing scheme advertised in the press, following a series of problem tenants. After a detailed discussion, it transpires that the owner has financial constraints (including a mortgage with stringent conditions on the level of rent) which simply cannot be met by the PSL scheme. The Empty Property Practitioner agrees that it will be better for the owner (who appears to be a competent landlord) to continue letting the property herself, which she proceeds to do. The EPP also gives advice about the need for furnishings to comply with Furniture and Furnishings Safety Regulations, a requirement the owner was previously unaware of.

We would not count this as a success – there was no reason to believe that the advice proffered helped the owner bring the property back into use differently or any more quickly than would otherwise have been the case.

Case 3: The Year Abroad

An owner phones the Empty Property hotline about her house, which she currently occupies. She is going away for a year and is thinking of leaving the house empty as she has heard it can be difficult to get your property back if you let it out and she has no mortgage so no strong driver to get income.

However, she has heard the Council has a special leasing scheme which might get around the problem of getting the property back.

The EPO explains that the leasing scheme would not be suitable because the period of the let is too short to be considered by the HA offering the leasing scheme. However, there are special provisions in assured shorthold tenancy agreements which can be relied on in these circumstances. A good managing agent should be able to look after the property and vet incoming tenants. The owner agrees to explore this further and is sent an information pack.

Two weeks later the EPO phones the owner back. She is thinking more seriously about letting and the EPO suggests she actually visit a managing agent and if necessary take legal advice.

The EPO phones again two weeks later. The owner has decided to let the property following discussions with both her solicitor and a couple of managing agents. A month later she departs on her trip. The property is empty for three weeks before tenants move in.

We would count this as a success. The property was empty for a short period of time before the tenants moved in. Without the intervention of the EPO the balance of probability is that the property would have remained empty for a much longer period of time.