

Shelter

Scotland



Scottish Empty Homes Partnership

Guide to developing a private sector
empty homes action plan



**Scottish Empty
Homes Partnership**

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Cover photo: Scottish Empty Homes Partnership

Introduction

This is the second guide produced by the Scottish Empty Homes Partnership (SEHP). In the first, we set out how councils can pinpoint the number of empty homes in their area, and collect information about their ownership and location. Having collected this data, the next step is to do something about it.

This guide is intended to help council officers in Scotland to prepare a private sector empty homes action plan. While the strategic basis for empty homes work should be laid out in your local housing strategy (LHS) [see Scottish Empty Homes Partnership LHS briefing note](#), an action plan will set out how to achieve your strategic aims around empty homes.

There are a number of ways councils can approach empty homes work. This guide does not review methodology but focuses instead on common elements in the UK's most successful empty homes action plans. These elements fall into three broad categories:

- engaging owners
- incentives
- enforcement.

Under each of these headings, there are a number of methods or 'tools' which can encourage the bringing of empty property back into use. This guide describes the most appropriate tools for a range of situations.

The three elements work best together – and it is important to strike a balance. Enforcement must have 'teeth' if reluctant owners are to be convinced that an approach from the council should not be ignored. Without first engaging owners, enforcement action could be seen as disproportionate and heavy-handed.

Reading this guide should give you a clear idea of the elements that should be included in an action plan – and the type of tools you can use, based on others' previous example. You should consider this the starting point – Shelter Scotland's Empty Homes Coordinator will be happy to help you develop your tools or find out more about the methods described.

Throughout the guide you will find 'Actions to consider' flagged up. These suggestions summarise how you might take forward some of the methods and tools described. At the end of each section you will also find an example of how your action plan might look. For example:

Action	Lead	When	Resources
Establish a lead officer and empty homes working group	XX	January 2011	Within existing resources

Below is a flowchart describing the steps to developing your action plan and where you can go for further information.

Steps to developing your action plan



Before you start

Before you consider your action plan, there are a few steps that should be considered:

- developing a database
- establishing a lead officer.

The first step is to develop and maintain a database of empty homes in your area. In order to begin, you need to be clear about the location of empty homes in your area and who owns them. The Scottish Empty Homes Partnership has produced a guide on the sources you can use to create your database.

[Follow this link to view the guide.](#)

A lot of data is likely to be held within the council, but you may also decide that undertaking a survey of empty homes would be useful. Surveys can find out more about the empty homes in your area, such as their state of repair and reasons why owners are keeping them empty. Questionnaires can be sent out to all empty home owners or targeted at properties the council decides are a priority. For more information about creating your own survey, [see the Scottish Empty Homes Partnerships quick reference guide to creating a survey.](#)

Engaging the public is another way to collect additional information. This can be done with a time-limited campaign or the gradual drip of media mentions, posters, leaflets and links on your website. The Scottish Empty Homes Partnership has funded the hook up of Scottish councils to the Report Empty Homes website (www.reportemptyhomes.com) where members of the public can report concerns about empty homes in their neighbourhood. If empty homes complaints go to one lead officer, this can streamline the procedure and establish which properties give rise to most local concern. Use of the website can also highlight properties not on the council's database.

Once you have developed your database and have decided to progress your empty homes work, you need to identify a lead officer. Some of the most successful local authorities in England have dedicated empty homes officers – this was also the case in Scotland a decade ago. It may be possible for some local authorities in Scotland to appoint a dedicated officer or for a cluster of local authorities to share a dedicated officer. However, we recognise that in most cases the lead responsibility will rest with colleagues who have more than one set of responsibilities.

Currently, there are no empty homes officers in Scotland, so the lead officer could come from a number of sources – private sector housing, housing strategy, or even environmental health. It is important that this officer call on colleagues with a range of expertise across the council to play a part in empty

homes work. In small councils, this might be done informally and on an ad hoc basis, in others it might be useful to create an empty homes working group comprising a lead officer and a representative of the different departments they will need to engage with such as environmental health, building standards, planning, conservation and council tax.

Gwynedd Council empty homes working group

The remit of the empty homes working group, established in 2007, is to monitor and review the progress on the implementation of the Gwynedd empty homes strategy and develop new empty homes initiatives.

The group includes the Empty Homes Officer, the Private Sector Housing Manager, Private Sector Enforcement Team, Affordable Housing Officer, the Private Sector Leasing Scheme Officer, the Homelessness Unit, Council Tax Unit, the Planning Units and the Housing Portfolio Leader. There is external representation on the Group by the Snowdonia National Park Authority, local Registered Social Landlords, the Gwynedd Rural Housing Enabler, Shelter Cymru and other stakeholders with an interest.

Actions to consider:

- create and maintain an empty homes database
- establish a lead officer and empty homes working group.

Your priorities

Once you have established a lead officer and have a good picture of the private sector empty homes in your local authority area you are ready to prepare your action plan.

The first step is to establish priorities – and make them part of empty homes work from the start. For example, if your council's primary reason for undertaking private sector empty homes work is to increase affordable housing supply, you might want to focus on the areas where demand for affordable housing is high.

You are likely to have more than one reason for engaging in this work, however. You should be able to look at the strategic outcomes highlighted in your local housing strategy and from there develop a system to prioritise your empty homes work.

[See the Scottish Empty Homes Partnership local housing strategy quick reference guide.](#)

You may want to establish some overarching action plan objectives to sit underneath LHS objectives, such as the ones from Sevenoaks Council:

Sevenoaks empty housing action plan 2009–11 objectives

To further develop and improve empty homes data.

To take a transparent and strategic approach to tackling long-term empty homes.

To provide clear and effective routes to bring long-term empty homes back into use.

To meet housing needs through the use of existing housing resources.

These objectives can then inform the rest of your work.

Some councils go so far as to create a prioritisation matrix which they use to filter data in their empty homes database and come up with a list of 20-30 'high priority' properties that their empty homes officer will focus on getting back into use. It is usually a rolling list with new properties added as old ones are brought back into use. Denbighshire Council's example gives an idea of some of the criteria that can be used:

Denbighshire Council Empty Homes scoring matrix

Category	Criteria	Score
1. Funding opportunities (may be awarded for more than one criteria)	SHG already secured for type and location of property	20
	Within ward with commuted sums for affordable housing	10
	Within renewal/regeneration areas	10
2. Owner Response	Positive response willing to work with us	10
	Negative response / Survey unanswered	0
3. Location	Main Road	10
	Side Street/Estate	5
	Rural/Isolated	0
4. Community Impact	High	15
	Medium	10
	Low	5
	Nil	0
5. Housing Need	Required for specialist housing	20
	Suitable for move-on	15
	Rural housing need	10
	Suitable for single person with support	10
6. Time Empty	10 years +	20
	5 – 10 years	15
	1 – 5 years	10
	6 – 12 months	5
	Less than 6 months	0

Other examples of prioritisation matrices can be viewed as part of the Scottish Empty Homes Officer Network library¹ – or by contacting the Empty Homes Coordinator at Shelter Scotland.

Actions to consider:

- develop a process for prioritising empty homes work in line with your LHS.

A way to express these first few steps in your action plan could be:

Action	Lead	When	Resources
Establish a lead officer and empty homes working group	XX	January 2011	Within existing resources
Monitor the number of empty homes in X council and annually survey empty home owners	XX	January 2011 then ongoing	Allocation of staff time for analysis
Respond to reports of empty homes via the reportemptyhomes.com website.	XX	2010 then ongoing	Within existing resources
Prioritise resources to tackle empty homes in target areas	XX	2011	Within existing resources
Ensure work on empty homes is reflected within the council's local housing strategy	XX	2011	Within existing resources
Take advantage of opportunities to raise awareness of the councils empty homes work through local press and media	XX	Ongoing	Use of council press staff

¹ The Scottish Empty Homes officer network library is part of the Scottish Empty Homes Officer Network website which can be accessed through the Communities of Practice for Public Service website by registered members. For more information about registering on the network contact the Empty Homes Coordinator.

Engaging with owners

The main focus of any empty homes action plan will be engaging with empty home owners to encourage them to bring their properties back into use. This will probably be the most substantial part of your plan.

Private sector empty home owners are a diverse group, and their reasons for allowing properties to remain empty will vary. Some of these include:

- transitional empty properties pending a change of owner
- owners not being aware of, or understanding, the options available to bring properties back into use
- properties which are left empty by the resident moving into residential care or to care for a relative
- properties where the owner has died and the estate is awaiting legal action
- perceived problems with renting the property
- extensive maintenance problems combined with low value of the property
- owner awaiting an upturn in the market
- difficulty in arranging renovations
- difficulties gaining planning permission for renovation or conversion work.

Data collection and survey work should have given you an idea of the major reasons for homes in your area being empty. But other reasons will emerge and it is important to recognise that a lot of empty homes work involves people management, helping individuals deal with sometimes very personal issues.

Working with owners calls for problem-solving – and may involve some handholding. Developing a process for working with empty home owners, which should include setting out the range of tools for encouraging owners to bring their homes back into use, will pay a dividend. Having a process in place can make it easier to train new staff as well as to ensure a systematic approach to engaging with owners.

The flowchart (overleaf) from the Oldham Housing Partnership is an example of how a plan could work. Your approach to engaging owners would also benefit from clear direction about how and when you spend more time on priority cases (see the section above about setting priorities).

In the subsections below are a number of tools for engaging with owners. The list is not exhaustive, but intended to give a flavour of the options.

This section covers:

- advice and information
- helping owners to sell
- helping owners to rent out
- helping owners to renovate/refurbish.

Providing home owners with advice and assistance is one crucial element in trying to influence their behaviour.

As mentioned in the introduction, there are three broad categories of empty homes work – engaging with owners, incentives and enforcement – all three work best together and it is unlikely that one will be effective on its own. The sections that follow deal with incentives and enforcement. The case study below from Brighton and Hove City Council outlines how empty homes officers in the council have developed a process for engaging owners. Using this system they can move on to prioritise further action which may involve incentives or enforcement.

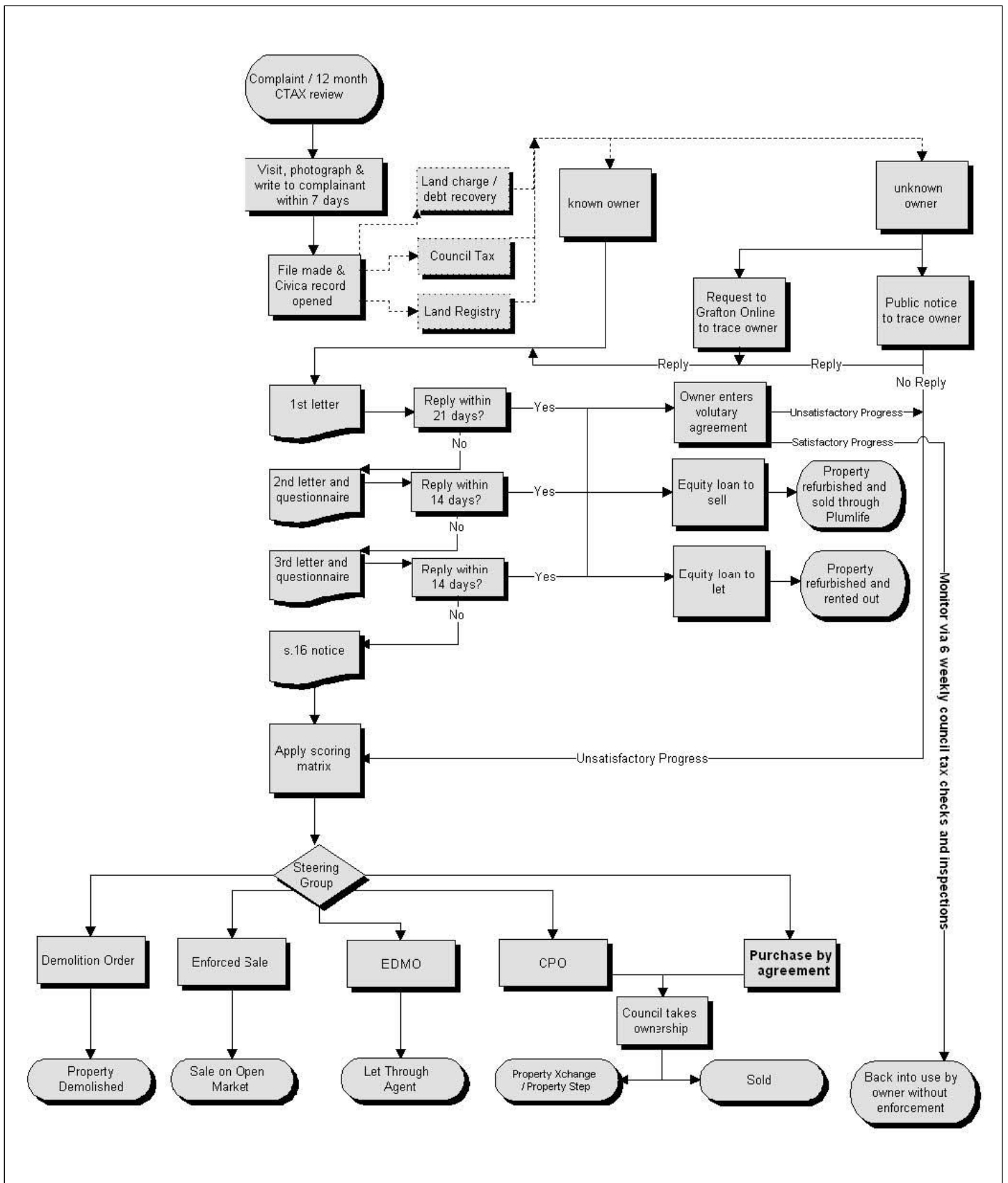
Brighton and Hove City Council: three-letter process for engaging with empty home owners

Patrick Gordon and Emma Kumar are the empty homes officers for Brighton and Hove City Council and Horsham District Council. They have developed a three-letter process for engaging with home owners. This involves sending letters containing advice and increasing mentions of enforcement options at set intervals to batches of empty home owners identified by their database. Patrick and Emma say this process allows them to contact owners in a systematic way, treating all owners the same, and that the strategy has been successful. The number of letters sent out at each stage of the process has gone down each time, which shows that owners are responding and engaging with the council. Brighton and Hove City Council brings between 150-160 empty homes back into use each year and 73 per cent are the result of encouragement and advice rather than grants or enforcement.

Actions to consider:

- adopt a process for engaging empty home owners
- develop a process for stepping up engagement from standard approaches to more targeted assistance/enforcement action.

Oldham empty homes delivery plan 2010-13: empty homes process flow diagram





Advice and Information

The scheme of assistance introduced in the Housing (Scotland) Act 2006 placed the emphasis on councils providing advice and information to private home owners to help them take responsibility for their properties.

Providing advice and information is a low cost tool, but it can give owners the information they need to move forward. Part of developing your action plan is about extending community awareness of the council's role in private sector empty homes work. If this isn't a role you have previously taken on, members of the public are unlikely to think of the council as the place to go for assistance and advice on selling, renting out or renovating an empty home.

You can change that by making information available on your website alongside proactive measures such as the production of a leaflet for empty homes owners which could be sent out to anyone who applies for a vacant dwelling council tax discount. This will make it clear to owners that the council is interested in seeing empty homes occupied and give them early notice of the help available.

For more information on the provision of advice and information you might want to consider, please see the Scottish Empty Homes Partnership template for advice and information to empty home owners: http://scotland.shelter.org.uk/data/assets/pdf/file/0007/309877/advice_and_information_template.pdf

There are other examples of advice and information leaflets and booklets on the Scottish Empty Homes officer network library or you can ask for examples from the Empty Homes Coordinator.

Actions to consider:

- develop an information leaflet for empty home owners
- send information to empty home owners when they apply for vacant dwelling council tax discounts.

Helping owners to sell

The quickest route to getting an empty home back into use is likely to be a change of ownership. Setting aside speculative investor purchases, most people buy property either to live in themselves, or to rent out for income.

Information on local estate agents and auction houses that sell empty property is part of the comprehensive package of advice that a council can offer empty home owners. And there are other proactive approaches that can help empty home owners sell their properties.

Several councils in England and Wales have taken on the role of matching owners with sellers by developing 'matchmaking' websites where owners interested in selling can list properties and potential buyers can browse empty homes in the area.

Middlesbrough Council – matchmaking scheme

Middlesbrough Council will soon be launching its matchmaking scheme for empty homes. To date the council has successfully matched owners of several eyesore premises with private landlords who purchase property and bring it back into use.

The scheme prevents rundown properties from becoming a nuisance and transforms them into family homes.

In one successful case, the former owner of a house in Berwick Hills was contacted by the council. The owner was not in a position to carry out the necessary repairs and wanted to sell it to someone who could. The council then matched the owner with a private landlord who fully refurbished the property before letting it to Mr Loughram. Mr Loughram said: 'We are from the area and for nearly 10 years this house was empty and overgrown. It always annoyed me when I walked past as we were waiting on lists for a house with a baby on the way. When we moved in the house had been fully renovated and the gardens cut back. It is great living here now and being near family and friends.'



Actions to consider:

- collect information on local property auction houses and local estate agents who will list empty homes
- develop a council-facilitated property matchmaking site.

Identifying and enabling opportunities

While a matchmaking site is useful for matching private owners with private sellers, it does not identify other potential opportunities. There may be a role for the council in identifying opportunities to potential partners such as social landlords or private developers and communicating interest to the owners. The council could also have an enabling role in making the sale of an empty property more attractive by, for example, granting planning permission for an extension or renovation, or even a change of use. This is where creative thinking will be needed. Consider what levers the council has at its disposal and how they might be used to give the empty home a new lease of life.

In addition to matchmaking sites, some councils, such as Brighton and Hove City Council, keep a list of investors to send to empty home owners so they can discuss interest in their property with potential buyers. If you intend supplying owners with such a list, it is important to include a disclaimer making it clear that the council is not associated with or endorsing any investors on the list.

Actions to consider:

- how the council can encourage development of empty homes with various potential partners
- develop a list of property investors who are happy to be contacted by empty home owners.

Council purchase

Compulsory purchase orders are discussed in the 'enforcement options' section below – but there is no need to take such action if the owner is willing to sell and the council has an interest in buying. Compulsory purchase is usually only considered as a last resort and in recent years such actions have been rare. However, changes to right to buy legislation introduced by the Housing (Scotland) Act 2010 and the first major council house building programme for 30 years, have created a new climate in which councils may want to look at purchasing property again in areas of housing need, or to remove an eyesore in a key location. If you intend going down this route, the use of independent parties to act as brokers on behalf of the council and the seller is advisable to ensure that the transaction is fair.

Property Xchange – Oldham Housing Partnership

The Property Xchange scheme is implemented using housing market renewal funding. Under the scheme, Oldham Partnership can purchase homes that have been empty for six months or more. These properties are refurbished before being offered for sale to residents affected by demolition in housing market renewal areas.

Actions to consider:

- develop a process for assessing the merit of voluntary council purchase.

Helping owners to rent out

Home owners sometimes leave their properties empty because they are uneasy about becoming a landlord. They want to hold on to their property and make an income, but view renting it out as riddled with responsibilities and hassles.

There are a number of ways the council can assist potential landlords, either to get the information they need to become responsible landlords, or to point them towards having their properties managed by someone else.

Landlord training

Some local authorities already provide landlord training courses and/or have information about landlord training run by other organisations. Giving empty home owners information about such courses and/or waiving the course costs could help empty home owners unsure of what is involved.

Actions to consider:

- provide information on landlord training options
- fund training for empty home owners becoming landlords for the first time.

Landlord registration/accreditation

In Scotland, all private landlords are required to be registered as part of the landlord registration scheme <https://www.landlordregistrationscotland.gov.uk>

There is a registration fee, and councils could decide to pay the fee for empty home owners who need help with the cost of becoming a landlord. Councils could also consider financial help for landlords seeking accreditation via landlord accreditation Scotland <http://www.landlordaccreditationscotland.com> Councils might consider this option where there is a shortage of private rented sector accommodation and/or issues with unscrupulous landlords. In these cases, it might be in the councils' best interest to encourage new landlords to meet higher standards.

Actions to consider:

- fund landlord registration and/or accreditation
- investigate potential partnerships with landlord organisations to facilitate discounts for empty home owners.

Letting agents

Most communities are served by a number of private sector property management companies. You can provide empty home owners with a list of companies, while making it clear you are not endorsing them. Alternatively, try working with management companies and ask them to consider giving a discount to home owners referred by the council. The empty home owner would gain by engaging with the council, and the managing agent would benefit from new clients.

Actions to consider:

- provide information to owners about local managing agents
- develop partnerships with local managing agents to provide discounts to empty home owners referred by the council.

Tenant finding schemes

Some councils run tenant finding schemes for owners. They don't act as managing agents but can match potential landlords with tenants. This can be a valuable service for empty home owners who perceive renting out property as a hassle but don't want to pay a managing agent. Being able to find a tenant with minimum fuss can make becoming a landlord seem more attractive.

Actions to consider:

- develop a tenant finding scheme for owners (could be in conjunction with rent deposit guarantee schemes, see below).

Deposit guarantee schemes

Rent deposit guarantee schemes are usually run by councils and are aimed at helping people at risk of homelessness access private rented accommodation. Such schemes provide an incentive for landlords to let to tenants who would have difficulty raising the initial deposit needed to secure a tenancy. Such schemes are not specifically aimed at attracting empty home owners to rent properties. However, any scheme that makes becoming a landlord less risky can work with empty home owners. Most Scottish councils run a variation of this type of scheme.

Glasgow City Council – rent deposit guarantee scheme

The rent deposit guarantee scheme provides a service for people who are homeless or about to become homeless. The service works with landlords to provide access to quality, privately rented accommodation across Glasgow.

The scheme gives landlords a guarantee that they will be reimbursed for any damage to the property at the end of the tenancy, up to the value of one month's rent.

Landlords and their properties are vetted for suitability. There is an initial tenancy of six months with most being extended for a further six months.

Support is provided to help tenants maintain tenancies, pay bills and save for a deposit when they leave the scheme. Most tenants stay on the scheme for a year, and then pay the deposit directly to their landlord to keep the tenancy.

The scheme tries to link under-25-year-olds into pairs so housing benefit will cover the full rental costs of a flat.

Actions to consider:

- develop a rent deposit guarantee scheme
- market the scheme to empty home owners (perhaps in conjunction with a tenant finding scheme, see above).

Private sector leasing (PSL) schemes

Private sector leasing (PSL) schemes involve the use of private housing units to accommodate tenants eligible for homelessness assistance. Such schemes are often used to supplement a council's temporary housing supply. Private owners sign up for a period of usually about three years. They are guaranteed an income (no voids) for the length of the lease at an agreed level, usually below LHA levels.

Some local authorities operate PSL schemes directly, others in partnership with housing associations or private managing agents. While the private owner is usually still responsible for, say, checks on safety of the gas supply and property standards, the council or their managing agent will take on the cost of day to day repairs (up to a set level) and return the property in the same condition it was received.

Giving potential landlords information on such schemes can encourage them to repair properties and let them out through a PSL scheme. The guaranteed income and help with finding tenants and dealing with repairs make becoming a landlord more attractive.

Actions to consider:

- set up a PSL scheme in your local authority
- publicise your existing scheme to empty home owners.

Homesteading

Homesteading is a term derived from the nineteenth century westward colonisation of America. The Homesteading Act allowed Americans to claim land provided that they lived on it for at least five years and took care of it. Similar principles apply to homesteading in the UK. Some local authorities have disposed of empty properties by selling them at massive discounts, on condition that the new owners stay and invest in the property. The benefit to the local authority is that it brings new people and money into an area that may be in decline.

Actions to consider:

- identify properties that might be suitable for a homesteading scheme
- consider council purchase followed by homesteading as a course of action in regeneration areas.

Sweat equity/improvement tenancy

Sweat equity may be defined as the use of a tenants' own labour and materials to carry out work and repairs to make good a property, in exchange for a period of free or reduced rent. In brief, the tenant gets free or low rent accommodation in exchange for their labour, while owners get an improved asset.



Photo: Rural Housing Service

Rural Housing Service – sweat equity case study Mount Carron in Moray



Photo: Rural Housing Service

Nathaniel Havenden, 31, with previous experience renovating boats and metal work was seeking somewhere to live in Moray. As part of this search, Nathaniel approached a local estate, which expressed an interest in a property being brought back into circulation. The idea to enter a sweat equity agreement was a joint decision by both parties.

The property in question is called Mount Carron – a 19th century cottage that had been derelict and empty for more than 30 years. In 2009, Nathaniel began renovation work on the cottage – reinforcing the foundations, laying a damp-proof course and replacing all the windows and doors. The work should be completed inside the three years agreed with the estate.

Nathaniel estimates his final cost will be in the region of £20,000. He has an agreement to pay £0.00 a month for the duration of the lease. Nathaniel plans to live in the house for the length of the 15-year lease. If he leaves before then he will forfeit the capital he has spent. Nathaniel has kept his costs low by doing the major work himself and sourcing materials from recycled and reuse centres, picking up bargains whenever he could (he has the time and skills for this to work successfully).

In the long run Nathaniel will have an affordable rental, close to his place of work, near his family, and a sustainable, highly energy efficient home with low running costs. The estate will have a property which has increased substantially in capital value.

The rural housing service is seeking to replicate this type of development with both individuals and housing associations taking on the repairing lease.

Actions to consider:

- publicise sweat equity options to empty home owners who can not afford to renovate
- develop a tenant matching scheme for tenants and owners with an interest in entering into a sweat equity contract.

Short life housing

Some properties are empty because they are awaiting development or demolition – but properties that are empty for even a short period can be used for temporary housing. Planning and organising large-scale building works can take a long time. In many cases, the building's future is unclear and lack of certainty can discourage its use.

Buildings can remain in this sort of limbo for years. There are, however, housing associations and co-ops in England that specialise in making use of buildings in this situation. Short-life or 'self-help' associations usually pay no rent but cover costs such as utility connections, and maintenance. The advantage to the owner is that the property is occupied, reducing security costs and removing the poor image associated with leaving a large property empty.

For more information on schemes in England see: <http://self-help-housing.org/>

It may be that councils in Scotland interested in a similar solution for large empty properties awaiting development or demolition will need to win the support of local community groups and housing associations. English housing associations and co-ops that adopted this model arose out of the squatters movement. Different legislation prevented such organisations developing in Scotland, but there is still scope for it here.

In England, agreement between the owner and the association is usually based on a licence that gives owners vacant possession when they need it. This rarely causes a problem. Most short-life associations are co-operatives, members tend to be single people or couples who are on low incomes but economically active. Pooling their skills and money enables them to live in houses that would otherwise be unaffordable.

Many associations are skilled in carrying out temporary repairs and alterations to make unpromising looking buildings habitable, even if only for a few months. Short-life associations can often make use of empty commercial as well as residential buildings. To seize this option the local authority needs to work with the association and be flexible with planning permission.

Actions to consider:

- develop a policy of supporting the growth of short-life housing groups
- publicise the idea to relevant community groups.

Property guardians

The risk to empty properties and high cost of security have prompted several UK firms to introduce guardian schemes, looking after empty houses and commercial premises on behalf of owners. The firms recruit individuals to stay in the property. Property guardians usually pay a very low rent to the guardian company and act as a deterrent to looters and vandals. The empty home owner or business benefits by paying a lower fee for the services of the property guardian than for conventional security.

If properties can't be filled or are awaiting development/refurbishment, property guardians can occupy them at low cost and remove some of the crime and safety issues that arise from properties standing empty. Property owners must provide shower fittings and basic cooking facilities for the guardian.

Below is a sample of companies offering property guardian services. This is a random list and not an endorsement of any one company:

<http://www.adhoc.eu/>

<http://uk.cameloteurope.com/>

<http://www.propertyguardians.org/>

Actions to consider:

- using property guardians for the councils own empty commercial buildings to create an example for others
- publicising the concept to owners of large commercial/industrial and residential property.

Helping owners renovate/refurbish

Surveys of works needed

There are many reasons for a property to be empty – and inertia can be one of them. Councils can overcome this obstacle by giving advice to home owners who might not know what work is needed to get their property into a condition where it could be let. Councils that can offer such advice through a works survey can point to it as a useful service when engaging with empty property owners.

Many councils in Scotland offer a similar service for care and repair clients who are older and/or disabled and need help assessing what needs to be done to their property to live in it safely and comfortably.

Extending this service by offering empty home owners a survey of what would be needed for refurbishment could be useful if paired with messages about possible enforcement should the property stay as it is.



Photo: Gerry Beggs, Scottish Borders Council

Scottish Borders – scheme of assistance repairs advice

The scheme of assistance provides free advice about repairs and maintenance to property, assists with organising communal repairs and offers practical assistance to identify repair and maintenance priorities for a property.

A range of leaflets have been developed to inform homeowners and private landlords about maintaining, repairing, improving and adapting their properties. The council also offers free advice to homeowners about repairs and maintenance to specific properties.

The main aim of the scheme is to encourage owners to plan and look after properties. The council is committed to offering information and advice to homeowners and private landlords on a range of options. Although direct grant aid is no longer available, information and advice, and in some cases practical assistance in the form of home visits to identify and prioritise repair and maintenance works to properties can be provided.

Actions to consider:

- offer a property assessment service to empty home owners
- partner with a private building/construction company to survey empty properties at a discount.



Angus reputable trader scheme (ARTS)

The Angus reputable trader scheme has been up and running since April 2009. The scheme was established to provide peace of mind for consumers.

Through the scheme people looking for tradesmen can access contact details and ratings for vetted traders via the council's website. The scheme currently includes 70 traders and the number is rising.

All the businesses included in the scheme have been operating for at least a year and the council undertakes checks of their business practices.



Trusted trader schemes

In England, one issue that frequently comes up in surveys of empty home owners is that they don't know who to contact to make repairs to their property. This can be due to a lack of knowledge – or sometimes a lack of trust. In either case, a council's trusted trader scheme can help. The council provides home owners with a list of local traders who have demonstrated a capacity for dealing with customer complaints effectively. This will be demonstrated through auditing by trading standards.

Actions to consider:

- adopt a trusted trader scheme in your council area
- publicise your existing scheme to empty home owners.

Below is an illustration of an action plan for engaging with owners:

Action	Lead	When	Resources
Develop process for engaging empty home owners to offer advice/information.	XX	February 2011	Within existing resources
Develop a menu of help, advice, incentives to be used by the council in working with empty home owners	XX	2011 then ongoing	Within existing resources
Provide all empty home owners in the local authority with an information pack on how the council can help.	XX	2011 then ongoing	Allocation of staff time for creation of information pack.
Engage in more in depth work with x number of owners through negotiation, problem solving/incentives or enforcement	XX	2011 then ongoing	Resources to be determined

Incentives

It is clear that leaving a home empty is a waste of an asset that could otherwise be making the owner an income. But this is not always sufficient incentive for owners to bring their homes back into use. It is for this reason that many councils now play a role in providing further incentives.

Councils will need to weigh up where resources to fund such incentives could be generated. In doing so, it is worth bearing in mind that in 2009–10, £5.7 million was raised across Scotland by decreasing the council tax discount for long-term empty properties from 50 per cent to 10 per cent. It should not be unreasonable to use some of this money to bring empty homes back into use. Council revenue will also benefit from returning empty homes back into use as occupancy brings the tax rate back to 100 per cent.

Below we look at some of the models used under the broad categories of:

- loans
- grants.

As indicated in the sections above, incentives will not work alone. There needs to be engagement with owners to uncover the reasons why their properties are empty, and explain the consequences in terms of enforcement if the owner persistently refuses to take action.

Loans

Loans can incentivise home owners and the advantage for the council is that the money will be returned. Council loans are likely to become increasingly attractive to home owners as financial institutions, hit by the recession, become more reluctant to provide them.

There are a number of different loan models that can be offered to empty home owners, many secured by the equity in the property.

Below are some of the models that have been used in England in Wales. See also the Kent ‘no use empty’ case study for an example of a highly successful loan scheme.

Type of loan	How it works	Examples of councils that use it
Recycled grants	Local authorities offer grants in the normal way but a condition of the grant is that it is repaid in full on the sale of the property	Gateshead Council
Equity release	The local authority provides the property owner with a sum of money; in exchange the local authority takes a share in the value of the property. The local authority receives the value of its share when the property is sold	Bromley Borough Council
Repayment loans	The local authority lends the property owner a sum of money to repair the property. The money is then repaid in monthly sums by the owner or in a lump sum at a pre-agreed date	East Hampshire District Council and West Berkshire Council
Loan to sell	The owner can be offered an equity loan to carry out works to the property to bring it up to a standard for market sale. Where this is used the council will oversee and fund all works and register the costs as a land charge to the property. This is repayable when the property is sold	Oldham Housing Partnership and the Kent ‘no use empty’ initiative
Loan to rent	The owner can be offered an equity loan to carry out works to bring a property up to a standard for renting out. The loan is usually tied into a lease period. During the lease period, the council will appoint an agent to manage the property and rent it out to people on the housing waiting list. The costs will be registered as a land charge against the property and will be repayable when the property is sold	Oldham Housing Partnership, the Kent ‘no use empty initiative’, Gwynedd Council, South Gloucestershire Council and Bristol City Council



Plymouth City Council EasyLet and HouseLet schemes

Plymouth City Council’s empty homes team run two schemes, EasyLet and HouseLet, to encourage landlords to bring empty homes back into use.

EasyLet is a new professional rental management service run by Plymouth City Council’s empty homes team in partnership with Plymouth Homes4Let (PH4L). EasyLet offers a fast tenant finder service, matching private landlords with tenants to minimise void periods. Landlords benefit from market rents linked to the local housing allowance (LHA) and a full property and tenancy management service delivered by PH4L.

The empty homes team offers interest free loans for landlords to bring vacant properties up to the decent homes standard. The loans are repaid over up to five years. They are accessible to landlords through either the EasyLet or HouseLet schemes.

Since 2003, the empty homes team has secured private sector houses for homeless families under its highly successful HouseLet scheme. The scheme has proved immensely popular with those looking to rent out their properties with the minimum amount of fuss. HouseLet offers landlords tailored packages including:

- guaranteed rent
- deposit guarantee
- free inventory
- free full tenancy management
- free property management
- free gas and electrical safety checks while the property is in management
- tenant finder service
- fast-track housing benefit
- support from housing advice
- the property returned in good condition.

Kent ‘no use empty’ initiative

The Kent ‘no use empty’ initiative is run by Kent County Council in partnership with 12 district and borough councils.

The initiative operates a revolving loan fund to bring empty properties back into use for sale or rent. Owners can receive up to £25,000 in interest free loans for each housing unit brought back into use. The loan is repayable at an agreed date (for loan to rent) or upon the sale.

The ‘no use empty’ initiative has recently celebrated its fifth anniversary and has to date brought more than 620 properties back into use, with many more in the pipeline.

Actions to consider:

- developing a loan scheme for empty home owners.

Grants

Empty homes grants are used by many councils in England and Wales and in East Lothian in Scotland. Grants can be tied to match spending by the owner or with tenancy nomination rights for the council. In other situations, they can require that the owner live in the property (Barnsley Metropolitan Borough Council) or that they rent it out to a set group of people or at a set level of rent (East Lothian Council). In short, empty homes grants can be designed to achieve a number of specific outcomes based on local circumstances.

East Lothian BTS/empty homes grants



Photo: Scottish Empty Homes Partnership

East Lothian Council is currently the only council in Scotland offering grants for empty home owners to bring their properties back into use. Grants are available up to £15,000 per property on the condition that owners rent the property out for 80 per cent LHA level for at least five years.

The property pictured, shown on BBC Scotland news, was a below tolerable standard cottage in Samuelston brought back into use for rental using £15,000 of empty homes grant and £70,000 from the owner. The property is now occupied and the owner has engaged with the council to bring several other empty properties back into use.

Bournemouth Borough Council – empty homes grants

Bournemouth Borough Council offer grants for properties that have been empty for a minimum of six months. Receipt of the grant is tied to home owners achieving the decent homes standard and engaging in one of several options for renting properties to tenants on the council's housing waiting list.

The amount of grant depends on the size of property and length of time the owner is willing to rent out their property through the council or local housing association.

The current grant levels are:

Property type A – three bedrooms or more	
Maximum grant – £30,000	
Grant given	Tie-in for council nominations
less than £6000	no tie-in but MUST be occupied
£6000 – £11, 999	2 years
£12,000 – £17,999	3 years
£18,000 – £23,999	4 years
£24,000 – £30,000	5 years
Property type B – two bedrooms	
Maximum grant – £20,000	
Grant given	Tie-in for council nominations
less than £4000	no tie-in but MUST be occupied
£4000 – £7, 999	2 years
£8,000 – £11,999	3 years
£12,000 – £15,999	4 years
£16,000 – £20,000	5 years
Property type C – one bedroom or studio	
Maximum grant – £10,000	
Grant given	Tie-in for council nominations
less than £2000	no tie-in but MUST be occupied
£2000 – £3, 999	2 years
£4,000 – £5,999	3 years
£6,000 – £7,999	4 years
£8,000 – £10,000	5 years

Note: The amount provided will be based on the works required to bring the property up to decent home standard.

Actions to consider:

- developing a grant scheme for empty home owners.

Here is a way to record actions around incentives in your action plan:

Action	Lead	When	Resources
Consider potential funding for incentivising owners through grant or loans to bring empty homes back into use for affordable housing	XX	2011	To be determined

Enforcement

Photo: Brian Parr, Glasgow City Council



Members of the Empty Homes Network in England have consistently reported that incentives paired with the expectation of enforcement make a huge difference in engaging owners in a dialogue to bring empty homes back into use.

Scotland does not have enforcement tools such as England's empty dwelling management orders, but Scottish councils are not powerless when it comes to enforcement.

Enforcement should not be used lightly, however, and councils should establish a robust process for engaging home owners before pursuing enforcement. Enforcement should be the last resort, after exhausting the options for incentives and advice. Engaging with owners will generally bring about more positive results than enforcement alone. But owners need to be made aware of the powers held by the council and the willingness to use them to promote the understanding that leaving your home empty is a community issue and not solely a matter for the owner.

As part of your action plan, your council should develop an enforcement policy. When will it be used? What powers will you use? If you have set out your policy clearly and have a process in place for first engaging with owners on a voluntary basis, you will be in a much stronger position to move forward with enforcement.

When developing this policy, you should also consider what enforcement powers you will draw on – and in what order. For example, if an empty home is in a derelict condition, could you enforce a works notice under the Housing (Scotland) Act 2006? This should get the owner to spend some money on the property (and therefore be more likely to engage in further work to bring it back into use). If the owner refused to carry out the work and the council carried

it out on his behalf, this could lead to a more extreme enforcement measure such as compulsory purchase. Don't leap to the most extreme measure first before trying other options.

Appendix A contains a summary of enforcement powers available to local authorities that could be used on different types of empty property. The list in appendix A is not exhaustive.

In this section we will focus on two enforcement powers available to Scottish councils:

- works notices
- compulsory purchase.

Works notices

The Housing (Scotland) Act 2006 introduced a number of powers. One of these was the power for local authorities to issue works notices on the owner of a property (for more see appendix A):

'Section 30. The local authority may require the owner of a house to carry out work in it for the purposes of implementing an HRA [housing renewal area] action plan in relation to any house identified in the plan or bringing any house (whether or not it is in an HRA) which the local authority considers to be sub-standard into, or keeping it in, a reasonable state of repair.'

This section gives councils the power to serve a notice on an owner requiring them to repair the property whether or not it is in a housing renewal area.

Use of this power varies across Scotland. Some councils have found the power useful for dealing with common repair issues. The Housing (Scotland) Act 2006 also allows councils to carry out works where an owner defaults on the work notice. A charge is then placed on the property so the council can recover its expenses.

Dover District Council has successfully used improvement notices to carry out work to empty properties and recover debt from owners.

Actions to consider:

- develop a council policy setting out when Works Notices will be used on empty properties
- indicate to empty property owners that the council has the power to require them to carry out work to their property if they don't take steps to do it themselves.

Compulsory purchase

Local authorities have a number of powers that allow them to buy property through compulsory purchase with the approval of Scottish Ministers (see appendix A for more details).

Although councils in England have empty homes enforcement powers that are unavailable in Scotland, compulsory purchase tends to be used equally often. Thus, even with their fuller menu of powers, English councils do opt for compulsory purchase.

See the case study (below) about a property in Leicester that was compulsorily purchased and then sold on with a covenant on the property requiring the new owner to bring it back into use. Indeed in most cases in England, councils exercising compulsory purchase powers do so with an eye to selling the empty properties on. This is either through use of a 'back to back' sale set up in advance with a housing association or private developer, or through private or auction sale.

Councils in Scotland have reported some reluctance to use compulsory purchase due to cost and time constraints. However the power of having such an enforcement tool at your disposal can not be underestimated. In developing the correct balance

between engaging owners, incentives and enforcement, the strategic use of compulsory purchase and/or potential use of compulsory purchase can be invaluable in stimulating empty home owners to take action.

Actions to consider:

- develop a policy setting out when the council will consider compulsory purchase of empty homes.

You can express your intentions to address enforcement within your action plan like this:

Action	Lead	When	Resources
Develop an enforcement policy for long term empty homes in X Council.	XX	2011	Within existing resources
Pursue enforcement action where necessary.	XX	2011 then ongoing	Resources to be determined

Use of compulsory purchase – 115 Grasmere Street, Leicester

Property empty since December 1993.

The property was abandoned by the owner.

The owner vacated the dwelling and moved to another address in Leicester, after a death in the family.

No response to any correspondence was received from the owner.

Cabinet approved the compulsory purchase order in April 2004.

The compulsory purchase order was confirmed in December 2005.

Leicester City Council took possession of the property in September 2007.

The dwelling went to auction in April 2008 and the sale to the new owner completed in May 2008 with a covenant requiring the property to be brought back into use attached to the property.

The new owner had two years to complete the works and a final inspection of the works was carried out in June 2009. Works had been completed satisfactorily.

The property became occupied by tenants in July 2009.



Photo: Carole Thompson, Leicester City Council

Partnership working and shared services

Photo: Fiona Roberts, Shelter Cymru



In preparing your action plan you may wish to consider what potential there is for working with partners and/or embarking on shared services arrangements.

Horsham District Council, which does not have the resources to hire an empty homes officer, pays Brighton and Hove City Council to perform this function for it.

The Kent ‘no use empty’ initiative detailed above is another example. The initiative is a partnership between a county council and 12 partner district local authorities.

There could be scope for councils to group together on a regional basis to pay for an empty homes officer to service the entire area.

Other partners could include community planning bodies with shared interest in regeneration or particular social landlords or developers with an interest in acquiring new units in the area.

Actions to consider:

- work with neighbouring councils to spread the cost of empty homes work
- approach community planning partners about joint working opportunities in relation to empty homes
- consider opportunities for partnership working with other organisations

You can express this in your action plan like this:

Action	Lead	When	Resources
Pursue opportunities for partnership working with neighbouring local authorities	XX	Ongoing	Within existing resources
Pursue opportunities for partnership working with community planning partners and other local organisations	XX	Ongoing	Within existing resources

Setting targets and monitoring your plan

Before and after, photo: Julian Preece, Powys County Council



As with any action plan, it is necessary to monitor progress against the targets you set. The targets will depend on local circumstances.

Here are a number of examples of outcomes measured by several English local authorities with an interest in empty homes work:

- empty homes returned to social housing use
- empty homes returned to use in sustainable areas
- long-term empty properties (ie empty for more than six months) returned to use
- family-sized empty homes returned to use
- percentage reduction in the overall number of long term empty homes.

The type of target you set yourself will depend not only on the number, condition and location of empty homes in your local authority area, but also on the resources you are able to allocate to empty homes work, including staff time.

A challenging but achievable target would be to bring back into use 10 per cent of the long-term empty

homes in your database. Some councils may, of course, find it easy to achieve higher targets and others will find a lower target challenging.

You might want to consider adding a column to your action plan that details who will be responsible for monitoring each action. See the example at the end of the section.

Actions to consider:

- set a target to bring long term empty homes back into use
- monitor and develop your action plan to achieve your target

Reviewing your plan

Plans must evolve, so a mechanism should be built in to review your action plan. Annually would seem appropriate.

Actions to consider:

- review your action plan annually

Action	Lead	When	Resources	Monitoring
Action plan to be monitored on a quarterly basis.	XX	2011 then ongoing	Within existing resources	Housing strategy group
X per cent of long-term empty properties returned to use	XX	March 2012	To be determined	Housing strategy group
Action plan to be reviewed annually.	XX	January 2012	Within existing resources	Lead officer and housing strategy group

Conclusion

Private sector empty homes work can require creativity and resourcefulness from practitioners. Owners of empty homes will face different issues and barriers to bringing their properties back into use. While you can't anticipate all the issues that might arise, having a clear action plan and an idea of the tools and options at your disposal will make you more effective at returning much needed homes to use.

If you would like to talk over the development of your local action plan with the Empty Homes Coordinator please get in touch with the Scottish Empty Homes Partnership.

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The Scottish Empty Homes Partnership exists to help councils and their partners pursue work to bring private sector empty homes back into use through exchange of best practice, networking opportunities, and consultancy support to councils. The project is funded by the Scottish Government and housed by Shelter Scotland.

The Scottish Empty Homes Partnership is supported by an advisory group which includes the Scottish Government, the Convention of Scottish Local Authorities, Shelter Scotland, the Scottish Housing Best Value Network, the Scottish Rural Property and Business Association, Rural Housing Scotland and Historic Scotland.

Appendix A

Table of legislative powers for local authorities

Below is a summary of the most obvious enforcement powers to deal with different types of empty homes in Scotland. This will not be an exhaustive list and there may be others that your council could draw on.

Legislation	Uses
Building (Scotland) Act 2003	
Sec 25 building regulations compliance	Building regulations compliance notices can be served on buildings of a specified type when the Scottish ministers decide they should be required to comply with a provision of the building regulations.
Sec 28 defective buildings	A local authority can decide to serve a notice on a building it regards as defective. For defects that require rectification in order to bring the building into a reasonable state of repair having regard to its age, type and location. The council may serve a notice on the owner.
Sec 29 dangerous buildings	Applies to buildings that constitute a danger to persons in or about it or to the public generally or to adjacent buildings or places. The council must carry out such work (including, if necessary, demolition) as it considers necessary to prevent access to the dangerous building and to any adjacent parts of any road or public place and otherwise for the protection of the public and of persons or property in places adjacent to the dangerous building. In respect of immediate action the council must remove the danger and if possible notify the owner.
Sec 30 dangerous buildings notices	A local authority can decide to serve a notice requiring the owner of a building to do work to make safe a building considered to be dangerous. In respect of urgent action the council must notify the owner by serving a notice under section 30 to give the owner(s) the opportunity to carry out the necessary work. If this fails the council will take action. Work specified in the notice is for the repair securing or demolition of the dangerous building or part thereof which the council considers necessary to remove the danger.
Sec 45 compulsory purchase where owner cannot be found	This section applies where a local authority has carried out work under sections 29 or 30 and the expenses incurred in doing so cannot be recovered because the owner cannot be found. In such a case the Scottish ministers may authorise a local authority to purchase the building and its site compulsorily. The local authority may also be able to deduct from the compensation associated any costs incurred that have not otherwise been recovered.

<p>Housing (Scotland) Act 2006</p> <p>Sec 1 housing renewal areas</p> <p>Sec 30 works notices</p> <p>Sec 33 demolition notices</p> <p>Sec 35 carrying out of work or demolitions by local authority</p> <p>Sec 40 acquisition of houses to be demolished</p> <p>Sec 42 and 43 maintenance orders and maintenance plans</p> <p>Sec 49 enforcement of maintenance plans</p> <p>Sec 95 local authority powers for improvement of amenity of an area</p>	<p>Can be used where there is sub-standard housing and/or housing affecting the amenity of an area. HRA can require works or demolition to improve these issues. This can be used when significant numbers of houses are sub-standard; and/or any number of houses are adversely affecting amenity of an area. HRA can be used to bring houses up to, and keep in, a reasonable state of repair (including meeting tolerable standard), and to carry out work to a house for the purposes of enhancing the amenity of the area.</p> <p>The local authority may require the owner of a house to carry out work in it for the purposes of implementing an HRA action plan in relation to any house identified in the plan or bringing any house (whether or not it is in an HRA) which the local authority considers to be sub-standard into, or keeping it in, a reasonable state of repair.</p> <p>Where a house is identified in an HRA action plan as a house which the local authority considers to be in a state of serious disrepair and out to be demolished, the local authority may require the owner of the house to demolish it.</p> <p>If the owner of a house fails to comply with a works or demolition notice the local authority may carry out the work or demolition and any other work it subsequently finds to be required.</p> <p>Where a local authority is authorised by section 35 to demolish a house the authority may, before carrying out the demolition, acquire the house and its site by agreement or with authorisation of Scottish ministers, compulsorily.</p> <p>A local authority can serve a maintenance order on the owner of a house. The order requires the owner to develop a maintenance plan for the property, for up to a five year period. The local authority will be able to step in to enforce that plan, if the owner fails to carry out the maintenance which the plan sets out. It will be able to recover the costs for doing so from the owner.</p> <p>Where the local authority considers that the owner has not met the terms of the maintenance plans the local authority may itself do anything which it considers necessary or expedient for the purposes of securing the implementation of the plan.</p> <p>For the purposes of improving the amenity of a predominantly residential locality, a local authority may assist in the carrying out of work on any land or premises not owned by it or acquire any land or premises by agreement or with the authorisation of Scottish ministers compulsorily.</p>
<p>Town and Country Planning (Scotland) Act 1997</p> <p>Sec 179 notice requiring proper maintenance of land</p>	<p>If it appears to a planning authority that the amenity of any part of their district, or an adjoining district, is adversely affected by the condition of any land in their district they may serve on the owner, lessee and occupier of the land a notice under this section requiring such steps for abating the adverse effect as may be specified in the notice to be taken within such period as may be so specified.</p>

<p>Tenements (Scotland) Act 2004</p> <p>Sec 8 duty to maintain as to provide support and shelter</p> <p>Sec 23 sale of abandoned tenement building</p>	<p>This section places a duty on the owner to maintain any part of a tenement to provide support and shelter.</p> <p>Where because of its poor condition a tenement building has been entirely unoccupied by any owner or person authorised by an owner for a period of more than six months; and it is unlikely that any such owner or other person will occupy any part of the tenement building, any owner shall be entitled to apply for power to sell the tenement building.</p>
<p>Environmental Protection Act 1990</p> <p>Sec 80 summary proceedings for statutory nuisances</p>	<p>This legislation is typically used for the deposit or accumulations of domestic waste where it gives rise to a 'statutory nuisance'. Where the nuisance arises in part from a lack of refuse receptacles then the provision of these bins may be stipulated on the notice. On expiry of the notice, should the nuisance still exist, the council can take whatever action is necessary to abate the nuisance and recover reasonable expenses, from owners/occupiers, incurred in doing so.</p>
<p>The Public Health etc. (Scotland) Act 2008</p> <p>Sec 113 enforcement of statutory nuisances: fixed penalty notices</p>	<p>This allows a fixed penalty notices of £150 (residential) or £400 (commercial) to be issued when there is non-compliance with a section 80 notice under the EPA.</p>
<p>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997</p> <p>Sec 42 compulsory acquisition of listed building in need or repair</p> <p>Sec 43 repairs notice</p>	<p>If it appears to the Secretary of State that reasonable steps are not being taken for properly preserving a listed building he may authorise the planning authority for the district in which the building is occupied to acquire compulsorily under this section the building and any relevant land.</p> <p>This section enables a repairs notice to be served on the owners of listed buildings specifying the works considered reasonably necessary for the proper preservation of the building. Failure to comply with such a notice may lead to compulsory acquisition under section 42 of the Act.</p>
<p>Housing (Scotland) Act 1987</p> <p>Sec 9 power of local authority to acquire land for, or in connection with, provision of housing accommodation</p> <p>Sec 10 procedure for acquiring land</p>	<p>This section authorises a local authority to acquire land for the erection of housing and any houses and buildings other than houses, being buildings that may be made suitable as houses.</p> <p>This section states that local authorities may be authorised by the Secretary of State to purchase such land compulsorily.</p>

<p>Housing Associations Act 1985</p> <p>Sec 88 acquisition of land</p>	<p>The relevant authority may acquire land by agreement or with the authorisation of the Secretary of State compulsorily, for the purposes of selling it or leasing it to a registered housing association or unregistered self-build society or providing dwellings (for letting or for sale) or hostels.</p>
<p>Civic Government (Scotland) Act 1982</p> <p>Sec 95 private open spaces</p>	<p>This section can be used to keep open and private spaces free from danger and nuisances. This may be used where an accumulation of bulk exists within a back court. In very extreme circumstances this may also be used to require the removal of vegetation to allow access to the bin area of a back court. On expiry of the notice, section 99(4) and (5) allows recovery of any expenses incurred in doing so.</p>

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