



ENVIRONMENTAL HEALTH & LICENSING

Empty Homes Strategy 2016

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1. Introduction

1.1 Why do we need an empty homes strategy?

There are currently over 600,000 empty homes in England of which over 203,500¹ have been empty for more than 6 months. An empty home is a wasted asset, both for the owner and the community, and may lead to crime, become an eye-sore and reduce the value of surrounding properties. The Government has increasingly encouraged local authorities to address this problem and Stevenage Borough Council fully recognises the benefits to be gained in doing so. We were one of the first Authorities in the country to adopt an empty homes strategy and this document builds on the work already done.

1.2 What is an empty home?

It is not always as straightforward to identify an empty property as it may seem, for example:

- A home which appears empty may be a person's second home and occupied infrequently
- Rooms above a shop may appear to be occupied, but are actually only being used for storage.

However, it is generally accepted that there are two main types of vacant property, i.e.

(i) Transitional Vacants:

Within an effective housing market there will always be some properties that are unoccupied for a short period whilst in the process of transfer between owners or between lettings. Other properties may be for sale or undergoing renovation. Such properties are known as transitional or transactional vacants and do not normally require any intervention by the Council.

(ii) Problematic Vacants:

Properties may be considered problematic where they are long-term empty and where their owners are not taking reasonable steps to bring them back into occupation. Properties that remain vacant for more than 6 months are classed as long-term empty.

It is important to note that a property does not have to be used all the time to be classed as occupied. Properties that are used infrequently, such as second homes, are not regarded as empty and will not be dealt with under this strategy. In deciding whether a property is a genuine second home, each case will be judged on its merits.

¹ According to the latest available statistics (October 2015) published by the Department for Communities and Local Government (*Live tables on dwelling stock [including vacants]*)

1.3 What problems do empty homes cause?

Long-term empty properties are a wasted housing resource and can:

- Attract crime and anti-social behaviour
- Become an eyesore
- Reduce the value of surrounding properties

There are clear economic and social benefits in bringing empty properties back into use i.e.

- Provision of additional housing
- Reduction in crime and vandalism
- Reduction in need for new developments
- Increased income for the owner and avoidance of increased Council Tax through 'empty homes premiums' (Councils may charge owners a premium of up to 50% of the normal Council Tax liability on properties that have been unoccupied and unfurnished for 2 years or more)
- A more environmentally friendly solution to meeting housing need
- Cost saving to the Council & other public bodies e.g. through a reduction in contact to the Council, Fire Brigade etc.
- Increase expenditure in the area – each property brought back into use will bring increased custom to local shops and services.

1.4 What can be done?

Whilst transitional vacants are an essential part of a thriving housing market, long-term empty properties require monitoring and, where necessary, intervention by the Council to ensure that they are brought back into use. Intervention will initially involve providing information, advice and encouragement to owners. Where owners appear unwilling or unable to take reasonable steps to bring their properties back into use, the Council will consider using its available enforcement powers to achieve this aim.

Under the previous Empty Homes Strategy, properties were monitored and options for intervention considered once they had been empty for more than 12 months. In Stevenage, the majority of properties vacant for up to 6 months are undergoing renovation, for sale or are subject to probate, and are usually occupied within a further 6 months without Council intervention. Intervening at 6 months is therefore considered an inefficient use of resources.

Since the previous Empty Homes Strategy was written, the legislation in the Housing Act 2004 relating to Empty Dwelling Management Orders (EDMOs) has been amended (by SI 2012 No. 2625).

Councils were previously able to apply to a Residential Property Tribunal (RPT) for an interim EDMO where a property had been vacant for 6 months or more. The use of EDMOS by Councils has now been restricted to properties

which have been vacant for a minimum of 2 years. Additionally, Councils must now provide to the RPT all information they have that suggests that:

- The dwelling has been causing a nuisance for the community
- The community supports the proposed making of the interim EDMO

These changes to the legislation mean that many long-term empty properties in Stevenage, which could previously have been considered for an interim EDMO application, will no longer meet the necessary criteria to satisfy the requirements of the legislation. While there are currently around 29 properties in the town that have been empty for more than two years, most of these properties are reasonably well-maintained and could not be considered a nuisance for the community.

Nevertheless, there is a strong argument for continuing to monitor properties once they have been empty for more than 12 months. Intervention at this stage enables:

- The early identification of potentially problematic vacants, which can then be regularly monitored
- Advice and assistance to be offered to property owners – which may encourage them to bring their property back into use without the need for further intervention by the Council
- Action to be taken where a property is causing a nuisance or a risk to health and safety

We will therefore continue to visit and monitor those properties which have been vacant for more than 12 months. However, our efforts will be concentrated to a greater extent on those properties which have been vacant for more than 2 years and which could potentially be considered for an interim EDMO or alternative enforcement action, where owners are not willing or able to voluntarily bring their properties back into use.

We will, of course, continue to deal with properties vacant for less than 12 months where they are causing a nuisance or are a risk to health and safety.

This strategy explains the action that we will take to try to ensure that properties are brought back into use at the earliest opportunity. We recognise that there will be little success if the Council and owners work in isolation - close partnership working is essential and we will seek to involve as wide a range of partners as possible.

1.5 What have we done already?

In 2001 Stevenage became one of the first Councils in the Country to adopt an Empty Property Strategy. This preceded a fluctuating but overall downward trend in the number of properties empty for more than 2 years, as can be seen from the last three columns of Table 1. During this same period up until April 2007, the buoyant housing market is likely to have been one of the main factors in the downward trend in properties vacant for more than 2 years, although the strategy undoubtedly had an impact on the 'worst' cases. The

number of properties vacant for more than 5 years dropped by 67% during this period and, whereas in 2002 there were 3 properties that had been vacant for more than 10 years, by 2006 there were none.

TABLE 1

Number of vacant private properties (excluding Housing Association properties and second homes)					
	>6 months	>1 year	>2 years	>5 years	>10 years
1/4/00	131				
1/4/01	126	66	38	9	1
1/4/02	107	80	35	10	3
1/4/03	80	57	44	10	2
1/4/04	64	31	17	5	1
1/4/05	53	45	31	7	2
1/4/06	88	38	7	2	0
1/4/07	111	42	12	3	0

The available figures since April 2007 are shown in Table 2. It can be seen that there have been fluctuations in the number of properties empty for more than 6 months with an overall downward trend, with a marked reduction over the last three years. This may be due in part to the impact of the Government's 'Help to Buy' scheme which came into effect in April 2013 and also due to the increased demand for rental properties.

Between 2009 and 2014 the number of homes empty for more than 12 months and more than two years fluctuated, but over the two year period from April 2014 to April 2016 there has been a noticeable increase in the number of homes empty for 12 months or more. While it is not possible to be certain about the reasons for this increase, these figures justify the Council's current approach of focusing on those properties that have been empty for over 12 months.

TABLE 2

Number of vacant private properties (excluding Housing Association properties and second homes)					
	>6 months	>1 year	>2 years	>5 years	>10 years
1/4/08	-	-	-	-	-
1/4/09	-	94	19	0	0
1/4/10	261	118	22	0	0
1/4/11	228	75	19	2	0
1/4/12	218	-	23	5	0
1/4/13	232	96	19	9	1
1/4/14	114	46	24	10	1
1/4/15	94	79	21	11	1
1/4/16	95	78	29	14	2

*Cells are left blank where no data for that year is available

Over the past 6 years, since the previous Empty Homes strategy was written, we have:

- Carried out regular visits to long-term empty properties in Stevenage and sought to work with owners to ensure that properties are brought back into use
- Been actively involved in the Herts, Beds & Bucks empty homes forum
- Taken part in the national empty homes week of action
- Publicised our work in the local media
- Removed the Council Tax discount for long-term empty properties, to act as a further incentive for owners to bring their properties back into use, and from 1st April 2017, the Council will charge a premium of 150% of the normal Council Tax liability on homes left empty and unfurnished for over 2 years
- Promoted the rent deposit scheme to property owners who may be interested in letting their properties
- Worked with organisations looking to purchase or lease empty homes to house vulnerable client groups, including the Papworth Trust and East Herts YMCA, and promoted these organisations to property owners.
- Made one RPT application for an Interim EDMO, which resulted in the property being sold by the owner and brought back into occupation
- Made a Compulsory Purchase Order in respect of one long-term empty property which was causing a nuisance to neighbours
- Liaised with the Council's Planning section where the appearance of properties was adversely affecting amenity, to ensure that the use of Planning enforcement powers were considered
- Regularly liaised with Council Tax to ensure that information about vacant properties is kept up to date
- Submitted a funding bid to use part of the Council's New Homes Bonus allocation to set up a grant / loan scheme for the renovation of empty homes

2. National, Regional and Local Context

2.1 National & Regional Context

The problem of Empty Homes has become increasingly high-profile in recent years, due in part to campaigns such as the ‘*Great British Property Scandal*.’ In *Laying the Foundations: A Housing Strategy for England* (HM Government 2011) the Coalition Government outlined its strategy for tackling the problem of empty homes. The Government stated:

We are committed to bringing empty homes back into use, as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities...

In *Laying the Foundations*... the Government also announced its plans to award the New Homes Bonus to empty homes brought back into use, to make £150 million funding available for schemes designed to bring empty homes back into use and to give Local Authorities greater discretion over Council Tax discounts applied to empty homes.

While Local Authorities are not required to publish a specific strategy aimed at tackling empty homes, the Government has made it clear that it expects Local Authorities to take action to address empty homes in their areas. For instance, the Government’s National Planning Policy Framework (March 2012) states:

Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers....

The recent national and regional picture in terms of the number of empty homes, including those which are privately owned and have been vacant for more than 6 months, is summarised in Table 3.

TABLE 3*

Regions	Total Empty Homes	% of Homes Empty	Private Homes Empty >6 months
North East	40,708	3.40	16,052
Yorkshire and the Humber	77,117	3.27	27,058
East Midlands	55,737	2.77	19,490
East of England	58,197	2.25	17,202
London	56,715	1.63	20,795
South East	84,666	2.25	23,956
South West	63,507	2.58	18,550
West Midlands	63,991	2.65	22,257
North West	109,485	3.43	40,461
England	610,123	2.60	205,821

*Figures obtained from 2015 data published by the Empty Homes Agency

2.2 Local Position

The recent position in Hertfordshire (October 2015) is given in Table 4 below.

TABLE 4*

Local Authority	Total Dwelling Stock	Total Empty Homes	% of homes empty	Total Private Stock	Private homes empty >6 months	% of Private Homes Empty > 6 months
Broxbourne	39,830	584	1.47	34,270	139	0.41%
Dacorum	63,220	1,034	1.64	50,040	270	0.54%
East Herts	60,340	1,187	1.97	52,460	395	0.75%
Hertsmere	42,310	939	2.22	34,890	268	0.77%
North Herts	56,090	1,157	2.06	45,610	299	0.66%
St. Albans	59,300	1,230	2.07	52,020	172	0.33%
Stevenage	36,160	424	1.17	26,030	118	0.45%
Three Rivers	36,950	550	1.49	31,370	113	0.36%
Watford	39,010	595	1.52	32,450	133	0.41%
Welwyn Hatfield	46,500	642	1.38	34,160	187	0.55%

*Figures obtained from the Department for Communities and Local Government *Live Tables on Dwelling Stock (Including Vacants)*

It is positive to note that, in comparison with the other Hertfordshire Authorities, Stevenage has the lowest percentage of empty properties across the housing stock. This is likely to be due in part to the relative affordability of housing and high housing demand in the Borough, but the work already done by the Council has also had a positive impact on the number of homes left standing empty.

3. Why are Homes Left Empty?

In 2005 the Government Office for the East of England (GoEast) commissioned a survey to try to get a better understanding of the reasons that privately owned properties in the region are left empty.

In Stevenage, we have previously carried out a similar survey which has given broadly similar results. The principle reason (62% of respondents) for the property being empty is because the owner is intending to or is in the process of renovating it. Other reasons include:-

- Trying to sell
- Bought as an investment
- Don't want the trouble of tenants

When asked what help we could give to speed up the process of re-occupation over 50% of people replied that they did not want/need our help. Of the remainder:

- 19% would like help with (finding) tenants
- 14% would like the Council to offer private sector leasing
- 10% would like assistance by way of a grant/loan

4. Strategic Aims and Objectives

4.1 Aim

The overriding aim of the strategy is:-

To return all long-term empty homes to use as quickly as possible

4.2 Objectives

The aim of the strategy will be met by working towards the following key objectives.

1. Raise awareness of empty homes
2. Maintain accurate records of empty properties
3. Develop partnership working
4. Provide advice and assistance to owners of empty properties
5. Utilise appropriate enforcement measures whenever advice and assistance has failed to result in a property being re-occupied.
6. Regularly review the strategy to continue to ensure that the most effective approach is pursued.

4.3 Resources

The strategy will be resourced from the existing Environmental Health (Residential Team) budgets. No additional staffing resource has been made available for this work. As a result, work on empty properties will be prioritised alongside the work carried out by the residential team.

4.4 Action Plan

Our action plan, designed to achieve the objectives listed above, is given at Appendix 1

5. Our Approach to Tackling Empty Homes

For the reasons given, we are committed to dealing with long-term empty properties. In line with our overall approach to dealing with property owners we will always seek to work closely with them to reach a solution. Initially, we will offer advice, and, where appropriate, financial assistance. However, where an owner is unwilling to bring the property back into use and it is causing a specific problem in the locality or would meet a particular housing need, we will consider the use of enforcement powers. Our approach is outlined below.

5.1 Identification

We will identify long-term vacant properties:

- By obtaining up-to-date void lists from the Council Tax Unit at six monthly intervals
- As a result of a complaint e.g. from residents living near to, or affected by, an empty property

5.2 Inspection

All properties believed to have been vacant for more than 12 months will be visited by an Environmental Health Officer or Technical Officer. Where a property is found to be occupied, the Council Tax Unit will be advised and our database updated accordingly.

If the property is found to be empty we will carry out a visual inspection of the exterior of the property and the gardens and we will attempt to make contact with the property owner.

In the case of those properties that Council Tax have accepted as being second homes (i.e. which are shown on the void list as second homes), each of these properties will be visited and a visual inspection of the exterior of the property will be made (except where the property is in a block of flats above ground floor level). The purpose of this inspection will be to ascertain that there is no external evidence of disrepair or poor maintenance that may require action to prevent nuisance, or which may indicate that the property is in fact long-term empty and not a genuine second home. In the absence of any such evidence, no further action will be taken. Where there is reason to believe that the property may not be a genuine second home, it will be treated as long-term empty and investigated as such, unless the owner is able to provide satisfactory evidence that it is a genuine second home.

5.3 Recording

Information on the property owners, length of time vacant etc. will continue to be recorded on the CAPS Uniform database.

5.4 Prioritisation

Whilst we will target our resources at the properties that have been vacant for the longest time and/or are causing problems in the locality we will also offer advice and assistance to all empty property owners, to try to prevent properties remaining vacant.

After confirming that a property has been vacant for more than 12 months we will write to the owner to offer advice and assistance. In cases where a property has been empty for more than two years or where a property is causing a nuisance, we will take all reasonable steps to encourage the owner to bring their property back into use and to ensure that any sources of nuisance are removed. Enforcement powers will be considered if the owner fails to take the necessary action voluntarily and where the property is prioritised for enforcement on the basis of the criteria set out in Appendix 4E.

5.5 Procedures

Appendix 2 details the procedure for the identification of properties using the Council Tax void lists. The investigation procedure that officers will follow is detailed in Appendix 3. The enforcement policy and procedures for empty properties is contained in Appendices 4 – 4E.

5.6 Advice and Assistance

As already mentioned, we will initially attempt to encourage and assist the owner to sell, rent or occupy the property. We will provide appropriate information and advice, e.g. on the Council's rent deposit scheme and on VAT exemptions available for renovation works. Where appropriate, we will provide advice on external organisations that may be able to assist e.g. estate agents, letting agents, developers and organisations looking to purchase empty properties.

Where works are needed to facilitate occupation, we will provide information to the owner on any available financial assistance for renovation works. The Council is currently unable to provide home improvement grants or loans to empty property owners due to the limited budget that is now available for home improvement works. However, the Council will seek to secure funding from central government or other sources for providing financial assistance to empty property owners, where funding becomes available.

In many cases owners are not aware of the options that are open to them. The most important part of an Empty Homes Strategy is to ensure that owners are aware of these options.

5.7 Partnership Working

We will continue to work with a range of external agencies such as Registered Social Landlords (RSLs) and the Empty Homes Agency and will continue to utilise opportunities to develop partnerships with external organisations that can provide relevant services to the Council or offer advice and assistance to empty property owners.

The Council has contracted CapacityGRID to carry out work to establish whether properties identified as long-term vacant are, indeed, actually vacant. This will help to improve the quality of empty property data and maximise New Homes Bonus income.

5.8 Enforcement

The enforcement policy and procedures for empty properties is contained in Appendices 4 – 4D. The process requires a graduated approach and we will try to reach a satisfactory conclusion informally, through the provision of advice and assistance. However, where this fails, we will consider enforcement action.

6. Targets

The overriding aim of this strategy is to return all long-term vacant properties to use as quickly as possible. However, in light of the restricted criteria on the use of EDMO powers, as outlined above (see section 1.4), it will in many cases be difficult for the Council to act where properties have been empty for less than two years.

The Council will therefore concentrate its main efforts on properties that have been empty for more than two years and will seek to ensure that properties do not remain vacant for more than two years without good reason, e.g. whilst undergoing extensive renovations or pending a wider regeneration scheme. Although we will make initial contact with empty property owners once properties have been vacant for more than 12 months, this will be for advisory purposes only – unless the property is causing a nuisance.

As we will concentrate resources on those properties which have been vacant for 2 years or more, it is unlikely that we will be able to make any significant impact on the number of properties vacant for less than three years. Our targets have therefore been set with this in mind and are as follows:

Number of Properties Vacant (excluding bona fide 2nd homes):

Length of time vacant	Baseline 1/4/16	1/4/17	1/4/18	1/4/19
>3 years	18	18	16	14
>5 years	14	14	12	10
>10 years	2	2	1	0

These targets, while challenging, are, we believe, achievable. They will be included in our service plan and will be reviewed and amended annually as necessary.

7. Revisions to the Strategy

The strategy will be reviewed whenever a significant change is necessary, e.g. as a result of a change in legislation, or at least every 3 years. Minor amendments may be made by the Senior Environmental Health Manager, in consultation with the Head of Leisure, Environmental Health & Children's Services. Significant amendments will require approval by the Executive Portfolio Holder for Housing, Health and Older People.

Glossary

Compulsory Purchase Order (CPO) – CPOs are a power granted to Local Authorities under the Housing Act 1985 section 17 enabling them to undertake the compulsory acquisition of land to help deliver social and economic change when acquisition by negotiation has failed. In returning empty homes to use CPOs can be used as a last resort where negotiation with the owner has failed and there appears to be no other prospect of returning the property to use. CPOs may also be used for cases of nuisance empty properties where the owner cannot be traced. The Secretary of State authorises CPOs and prior to a decision being made a Local Authority is required to demonstrate the steps it has taken to encourage the owner to return it to use, the outcome of those negotiations, and any works that have been undertaken by the owner towards the property's return to use.

Decent Homes Standard – In July 2000 the Government set a target to ensure all social housing meets set standards of decency by 2010. A decent home is one which is wind and weather tight, warm and has modern facilities. To be defined as “decent”, a home must meet each of the following criteria;

- It meets the current statutory minimum for housing
- It is in a reasonable state of repair
- It has reasonably modern facilities and services
- It provides a reasonable degree of thermal comfort

Empty Dwelling Management Order EDMO – An EDMO is a discretionary power introduced with the Housing Act 2004 that gives Local Authorities the right to possession of a property that has been empty for more than 2 years and that is not being returned to use. A Local Authority must apply to a residential Property Tribunal to obtain an EDMO, with proof that it has taken reasonable steps to negotiate with the owner and that the property is causing a significant nuisance. There are two types of EDMOs:

Interim EDMO: this is the initial stage and lasts for 12 months. In this period the Local Authority must negotiate with the owner to secure the return to use of the property. The Local Authority may also request the owner's permission to let the property.

Final EDMO: If an agreement cannot be made to return the property to use under the interim EDMO the Local Authority may apply for a final EDMO, which can last up to 7 years. Under a Final EDMO the Local Authority is granted full management of the property and the right to use it to house its tenants or housing applicants without the owner's permission.

The Local Authority is responsible for full management and maintenance of the property for the duration of the order and has the right to undertake necessary renovation works to bring the property up to standard for letting. Ownership of the property does not transfer to the Local Authority and at the end of the Order the property is returned to the owner.

Enforced Sale – Under the 1925 Law of Property Act a Local Authority can use Enforced Sale to sell any vacant property to recover debt owing to the Authority. Where there is money owing to the Local Authority in respect of statutory default works a charge is raised on the property. If the debt is not repaid within the specified time period the Local Authority may serve an Enforced Sale notice for the property to

be sold at auction. The charge is recovered from the sale. If the sold price does not cover the charge the outstanding debt remains and can be pursued against the owner through the usual means.

Long-term Empty Home – An empty home that has been vacant for at least 6 months and is not in the process of being brought back into use.

MORI – MORI are an independent research company who conduct consultation, surveys and statistical analysis for Central and Local Government.

Registered Social Landlord (RSL) – A RSL is a housing association or not for profit company registered by the Housing Corporation to provide social housing.

Appendix 1

Empty Homes Action Plan

AIM

To return all long-term empty homes to use as quickly as possible

Objectives & how they will be met

1. Raise awareness of empty homes

Action	Outcome	To be completed by
Produce at least 1 press release every year or organise at least 1 publicity event to coincide with national Empty Homes Week	Encourage members of the public to report empty properties	On-going
Participate in any publicity events organised through the Empty Homes Forum or by other agencies	Encourage owners of empty properties to take steps to bring their properties back into use	
Review and make any necessary updates to the Council's empty homes webpage		On-going, on an annual basis (April of each year)

2. Maintain accurate records of empty homes

Action	Outcome	To be completed by
Maintain accurate records on CAPS Uniform system of empty homes and actions taken by officers	Accurate records maintained	On-going
	Accurate Uniform Reports generated	
Liaise with Council Tax to ensure that records on the void list are kept up to date	Records on the void list kept up dated	On-going

3. Develop partnership working

Action	Outcome	To be completed by
Work with the Council's Housing division or a partner RSL where properties are subject to an EDMO	Housing Division or RSL to manage properties subject to EDMOs	As required
Use opportunities to develop partnerships with external organisations that can provide relevant services to the Council or offer advice and assistance to empty property owners	Successful partnerships developed	On-going

4. Provide advice and assistance to empty property owners

Action	Outcome	To be completed by
Write advisory letters to all owners of properties that have been empty for more than 12 months	A reduction in the number of long-term empty private properties in Stevenage	Target date for first visit: i.e. within 56 days of jobsheet being raised
Provide assistance and advice to empty property owners on request, e.g. on the Council's rent deposit scheme	A reduction in the number of long-term empty private properties in Stevenage	On-going
Bid for funding to bring empty homes back into use where this is made available from central government or other sources	Funding obtained where available and new schemes (e.g. grant / loan schemes) put in place	Deadlines stipulated for submission of bids in each case
Promote the availability of any other relevant sources of financial assistance to owners of long-term empty properties	A reduction in the number of long-term empty private properties in Stevenage	On-going
Update our information leaflet as required	New leaflet	As required
Finalise all revisions to standard letters to empty property owners	Revised standard letters	End of August 2014

5. Utilise appropriate enforcement measures whenever advice and assistance has failed to result in a property being re-occupied.

Action	Outcome	To be completed by
Take enforcement action where necessary	Enforcement action taken which is appropriate and proportionate in each case	On-going
Review and revise the enforcement procedures in accordance with changes in legislation or Council policy	Enforcement procedures reflect current legislation and Council policy	On-going and at each Strategy review

6. Review strategy

Action	Outcome	To be completed by
Carry out review of strategy	Strategy reviewed & revised as necessary	December 2018