

EDEN DISTRICT COUNCIL
CARLISLE CITY COUNCIL

EMPTY PROPERTY
STRATEGY

REVISED 2010

A WORKING PARTNERSHIP

COUNCILLORS' FOREWORD

Empty properties are a blight on the neighbourhood and have been described by the Association of Chief Police Officers as 'honey pots for crime'. At a time of housing need, they are a waste of precious resource. And research carried out by Hometrack, a leading property investment company, revealed that a run-down property can devalue the house next door by 18 per cent.

Empty homes are bad news both for owners and for communities.

For these reasons Eden District and Carlisle City Councils have worked together to produce an Empty Property Strategy.

Our strategy is based on existing good practice from around the country and seeks to capitalise on recent national legislative changes. It sets out ways that empty property can be brought back into use, how we can prevent homes from becoming empty and the action that we can take if all else fails to bring an empty home back into use.

At Eden District and Carlisle City Councils we are very committed to bringing more empty homes back into use and this strategy is a key part of our ambition to achieve this important goal for our communities.

Cllr

Eden District Council

Cllr

Carlisle City Council

1. INTRODUCTION

A high level discussion on empty properties was held by a House of Commons Select Committee in November 2001.¹ The Select Committee made several recommendations to Government and, since then, central Government has identified the re-use of private sector empty properties as one of its highest priorities.

This document is intended to help those affected by empty properties. Those concerned are Council officers who deal with empty properties as part of their everyday work, those living next door or nearby to an empty property and those who own such a property.

From this strategy, Council officers will have a clear vision of the targets to be achieved by this strategy; owners of empty homes will be fully aware of all the options available to them to bring their property back into use; and neighbours of empty properties will have a good understanding of the powers available to Eden District and Carlisle City Councils.

2. WHAT ARE THE OBJECTIVES OF THIS STRATEGY?

The objectives of this strategy are:

- to minimise Greenfield development
- to maximise the reuse of empty homes and other buildings
- to improve the existing built environment
- to provide good quality affordable housing
- to ensure programmes meet a range of housing needs whilst providing a choice of accommodation and neighbourhood
- to support existing corporate strategies
- to ensure economic stability of rural communities and economic development and growth of urban communities

¹ A full copy of the evidence given to the Transport, Local Government and the Regions Select Committee Ref HC240-II is available from the House of Commons Stationary Office priced £16.30.

Corporate Commitment

At Eden District and Carlisle City Councils we are corporately committed to the re-use of empty properties. The District authorities have formed an empty property working group, which meets four times a year to discuss individual and wider empty property issues. In addition empty property work connects a variety of housing issues with different Council departments.

At an initial meeting of this group, Eden District and Carlisle City Councils identified how these objectives can be further defined to address local issues as follows:

- To provide an improved infrastructure to aid economic stability and growth of the outlying villages
- To be proactive rather than reactive when addressing the issue of empty properties
- To improve community safety
- To make the Districts of Eden and Carlisle City a better place to live
- To improve level of private sector investment in the area
- To effect regeneration
- To improve investment confidence in outlying villages
- To ensure structural safety of an area
- To keep litter and household rubbish to a minimum
- To improve the environment
- To reduce the level of complaints about empty homes
- To develop a successful intervention policy enabling Eden District and Carlisle City Councils to ensure sustainability and balance of supply and demand
- To improve affordable housing supply
- To ensure community cohesion

3. BACKGROUND

The Local Government Act 2003 (section 7) sets out the clearly defined duties of Local Authorities to maintain and enhance the health of the housing market across tenures, and requiring them to develop an understanding of the housing market. Also identified as a priority is the task of bringing private sector empty properties back into use.

A description of the relevant aspects to the housing market within the Carlisle and Eden District areas can be found in appendix A on page 16.

A number of joint Carlisle City Council and Eden District Council strategies have been produced to date. In 2001 the two Councils formed a Local Strategic

Partnership (LSP) in response to the consequences of the Foot and Mouth outbreak and the resulting need for significant economic and community recovery measures.

This is the first Empty Property Strategy to be developed by either Council, and has been produced in consultation with the Empty Homes Agency, an independent charity.

4. WHERE DOES THIS STRATEGY FIT IN?

This Strategy will directly inform the Housing Strategies for both Councils, and it will be key in the delivery of strategic housing services over the years ahead. Implementing the Action Plan contained within this Strategy will simultaneously support many of the objectives of the Councils' other strategies including: the joint Eden and Carlisle Community Strategy, respective Corporate Strategies, community safety and Local Agenda 21. The strategy is also intended to support area regeneration programmes.

<p>The average house price within Eden District Council and Carlisle City Council up to March 2010 was £214,581 and £126,565 respectively with the average for Cumbria at £164,198 (Source: Land Registry). For Carlisle this rates amongst the lowest in Cumbria with only Barrow-In-Furness having a lower average house price of £117,765.</p>

5. THE NATIONAL AGENDA

Council Tax Discounts

Changes to legislation, which came into effect on 18 November 2003, now provide Councils with a discretionary power to reduce the level of council tax discounts. This change allows councils to reduce or remove completely the 50% discount for long-term empty property, and to reduce the 50% discount to a minimum of 10% in respect of second homes.

Eden District and Carlisle City Councils have already addressed this issue by reducing the level of discounts, which now stand at 10%.

Best Value Performance Indicator 64 (Bvpi64)

All the work carried out by Eden District and Carlisle Councils is monitored by Performance Indicators set by central Government. The main purposes of the BVPI64 is to demonstrate how many private sector empty properties have been brought back into use over the past year.

Sharing Data within Eden District and Carlisle City Councils

One of the easiest methods of identifying the location of empty properties is to have access to Council Tax records. Legislation has been changed to ensure that this data is shared across Council departments for empty property work. This provision is set out in section 85 of the Local Government Act 2003. A Local Authority can use the name, address and telephone number of the property owner for empty property work. In addition powers are available to local authority officers to request information from Council tax and benefits records under section 237 of the Housing Act 2004.

Eden District and Carlisle Councils have welcomed this initiative and have set up detailed databases on all long-term empty homes. A database of empty properties has now been implemented and is updated every month.

Empty Dwelling Management Orders (EDMOS)

In April 2006, the introduction of the 2004 Housing Act, brought about the introduction of the Empty Dwelling Management Order. The Act gives Local Authorities new powers of empty dwelling management orders. These powers can be used for long-term private empty homes where owners have turned down offers of assistance. Ultimately Local Authorities will be able to take over temporary management of such properties for a maximum of seven years.

The council must apply to a residential property tribunal to authorise the interim order which precedes the final EDMO. The local authority may not sell the property but can carry out works to make the property fit to occupy and can also let the property. With an interim management order permission of the owner is required for letting however when a final management order is made the council can let the property without the permission of the owner.

The council must keep account of the cost of managing the property. Any excess profits must be repaid to the owner. Equally the owner can be required to pay any costs of the local authority which cannot be met from the rental income.

Eden District and Carlisle City Councils welcome the proposal of the EDMO scheme as an effective last resort measure. Since the introduction of the legislation Carlisle City Council have made 4 applications for interim Empty Dwelling Management Orders under the Act.

Empty Property Guidance

The Government recently commissioned and published guidance for both Councils and private developers to show how to bring empty properties back into use. The publication can be freely downloaded from their website www.odpm.gov.uk entitled, "Unlocking the Potential".

Tax Incentives

Initiatives have been developed under the tax headings of Capital Allowances and Value Added Tax. The first allows a tax break of 100% on all flats above shops brought back into use for leased residential letting. The allowance can be claimed over a period of three years.

The second is the reduction of VAT payable on refurbishment of properties that have been standing empty for a long period of time. On properties that have been empty for more than two years, refurbishment costs will attract a lower rate of 5% VAT and those that have been empty for more than ten years can be refurbished at a zero rate of VAT. Full details are available from H M Customs and Excise, www.hmce.gov.uk.

6. EDEN DISTRICT AND CARLISLE CITY COUNCILS' EMPTY PROPERTIES

Figures from Council Tax data show that there are 386 long-term empty properties (ie: more than six months) in the Eden area and a flux of between 700 and 900 long term empty homes in the Carlisle City Council area. It is therefore fair to say that the housing market across both areas is significantly reduced as a result of this unused property.

Private Sector Empty Properties

Within Carlisle City Council boundaries there are an estimated 1,380 empty houses of which 280 of all vacant premises are estimated to be problematic 'long term' vacant. The total Housing stock in 2010 was 49,235, so less than 2.8 % of the total stock is currently deemed as long term empty. Within Eden District Council boundaries the total housing stock in June 2010 is 25,008, so 1.5% of the stock is currently empty, Eden has seen a slight increase since 2006. While these occur across all tenures the majority of these properties are likely to be privately owned homes that could usefully be brought back into use. In both local authorities the majority of empty dwellings are in reality returned to use in relatively short periods of time.

The 2003 Eden District (private sector) House Condition Survey (HCS) revealed the overall unfitness rate for Eden District was 3%. Carlisle City Councils Private Sector House Condition Survey (2005) revealed 3.1% of Carlisle's private sector stock is classified as unfit compared to the national average of 7.5%. The majority of unfitness is restricted to older houses.

Public Sector Empty Properties

Eden District Council has transferred its total housing stock to the Registered Social Landlord (RSL) sector, and as such does not retain any housing management responsibilities. Carlisle City Council continues to manage some housing stock

however, demand for social rented housing is significant and therefore there are few problems with low demand or hard to let stock within the public sector. Traditionally, RSL properties within the District have remained vacant usually for repairs purposes.

Empty Property Databases

Councils may become aware of the existence of an empty property through various routes:

- owners or landlords contacting the council direct;
- residents reporting an empty property;
- other Council departments records eg planning;
- other organisations eg estate agents, public bodies.

Both Eden District and Carlisle City Councils recognise the need to tackle empty properties and the need to monitor all long-term vacant properties. Our existing database has been supported by the recent access to Council Tax data (see above page 6). We will however only use this information to contact the owner and will not release this information to third parties. Carlisle City Council do offer a service to potential developers to facilitate the communication between empty property owner and developer.

7. HOUSING NEED

Eden District Council published its Housing Needs report in January 1999, which described general housing needs across the Council and concluded that there was a demand for housing from 5,851 existing households and 2,947 new or emerging households during the period 1998-2001. Over half of these households (59%) expected to remain within owner occupation, one third (33%) expecting to rent from a housing association and less than 5% anticipated renting from a private landlord.

The survey highlighted the demographic trends within the District and projected that over coming years there will be significant growth in the elderly population within the District. The Council also recognises the growing number of residents with significant support needs. This data is currently being updated by the Council on a parish by parish basis.

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residents with significant support needs. This data is currently being updated by the Council on a parish by parish basis.

Carlisle district remains a popular area for people to reside given its pleasant surrounding and its proximity to the M6 motorway and West Coast main railway line. Economically, Carlisle has an expanding sub-regional role to play through investment at Kingmoor Park in the north of the City and by improving links with West Cumbria, Scotland (Glasgow and Edinburgh) and the North East of England. In respect of housing there is an identified lack of affordable housing for larger family homes (ie 3 plus bed) highlighted in the District Survey 2006. Also, larger homes lost to Right to Buy sales have not been replaced leading to a shortage of properties available for social rent. In addition to the lack of larger family homes to buy or rent since the credit crunch first time buyers have found it difficult to acquire mortgages without large deposits or family assistance.

THE EMPTY HOMES TOOLKIT

8. WAYS TO BRING EMPTY PROPERTIES BACK INTO USE

If we are informed of or discover an empty property but cannot locate the owner, we will conduct an HM Land Registry search and, if the property is mortgaged, will write to the lender advising them of the condition of the property, its probable reduced value and our intention to take action.

Local Authorities rely heavily on residents to inform them of empty properties so that the issue can be addressed effectively. ***If you know of an empty property within Eden District Council boundaries please call the housing team on 01768 817817 and ask for Steve Newton. Within the Carlisle City Council area please call 01228 817127.***

Priorities for Eden and Carlisle

We cannot hope to target every empty property immediately. We will therefore prioritise empty properties thus:

- Empty more than six months and in an area of pressing housing need.
- Empty over six months and causing a nuisance
- Empty less than six months and causing a nuisance
- Empty more than six months but not causing a nuisance
- Empty less than six months and not causing a nuisance but in an area with pressing housing need.

Private Sector Leasing Scheme (PSL)

Eden Council is investigating setting up a PSL scheme. PSL is a mechanism used by many local authorities and housing associations to use empty properties to meet housing need. It does so in a very direct way. The local authority effectively procures the property and offers it to a tenant. The procurement does not affect the ownership of the property, which remains with the original owner. But as the name implies the local authority or its nominated housing association partner take a lease on the property with the owner's agreement usually lasting between 3 and 10 years. With this lease they take over the management and letting of the property. The local authority nominates tenants. Tenants will be those in greatest housing need and may include homeless households or others who are unable to afford housing within the private housing market.

Experience from schemes already operating, shows that PSL is a cost effective and flexible way of providing affordable temporary housing. It is also popular with some owners. It allows them to retain ownership of the property and earn rent without the day-to-day work involved in managing property.

Empty properties are often not in a suitable condition for letting and the local authority will require that the owner improves the property to a suitable standard before admitting it onto the scheme. Eden council will consider grant applications from owners to assist with refurbishment costs (see grants below)

Empty Property Grants

Carlisle Council makes available grants to owners of property that has been empty for 6 months or more, the Council offers two types of empty property grant. The Empty property grant is a maximum grant of £10,000, with tied in nomination rights to a local RSL for 5 years. The second is a landlord grant, of up to 25% maximum of £5,000, with open market letting attached for 5 years.

If the property is sold, the City Council reserves the right to reclaim the grant in full.

Under housing policy, Eden Council also makes available some funding to private owners in exchange for nomination rights. The purpose of these grants is to bring properties that have been empty longer than 6 months back in to full use ensuring that the houses are in good condition. Grants of up to £10,000 per property are available to any homeowner over 18 years old. The property must be available for rent for a five year period from completion to a person nominated by the Council and must not be sold within this five year period unless the grant is repaid. The Council also offer a £20,000 grant for owners, but the property would be managed by a Housing Association for a minimum of 5 years.

Other Possible Future Sources of Funding, which we will consider using, are:

- Section 106 Commuted Sums (see below)
- Private Finance, including voluntary owner contributions towards grant work

- Registered Social Landlords (RSL) investment - Housing Corporation ADP
- English Partnerships
- Private Investment
- Local Public Investment (Police, Fire Services)
- New Deal For Communities

Living Over the Shop Scheme (LOTS)

This scheme has existed nationwide since 1989. The scheme allows a housing association to purchase the lease on a flat over a shop and then let it to a tenant. Previously unused space above shops can then provide a source of good quality housing with instant access to all city and town amenities.

Eden District and Carlisle City Councils would like to see this scheme extended to private sale or rent for people with a local connection in the area. The Government is currently reviewing the scheme and considering private and/or RSL lease or sale options. A report of the findings from the review process was completed in December 2004 but is yet to be published. It is the intention of Eden District and Carlisle City Councils to pursue this further to release space above shops to provide additional housing resource for local people.

Town and Country Planning Act 1990 Section 106 Agreements

The way in which Section 106 Agreements are organised changed on 1 April 2004. When granting planning permission Local Authorities have the power to set a Planning Obligation (Section 106 Agreement), including requiring developers to either provide a proportion of affordable homes on the site, or provide money for affordable homes to be built or bought elsewhere. These capital receipts are also a potential source of finance for empty homes projects. For example, the funds can be used by the Council to buy, repair and improve empty homes for use as affordable housing.

To facilitate this strategy still further Eden District and Carlisle City Councils give an undertaking that they will prioritise planning applications for empty properties. This does not affect our statutory duties and all applications will still be dealt with within the 8 weeks statutory time limit.

Private Sector Landlord Forum

Carlisle Council's Private Sector Housing Services holds a Landlords Open day yearly to discuss relevant issues, and enables City Council officers and Landlords to network. The City Council was instrumental in assisting Landlords to set up their own Landlords Association, in conjunction with the National Residential Landlords Association. The Landlords in Cumbria are now mainly affiliated to the National Landlord Association from 2008.

Eden District Council and Carlisle City Council produce and circulate a newsletter to landlords.

Building Preservation Trusts (BPT)

These voluntary schemes involve the renovation and re-use of either listed buildings or buildings in a conservation area. A BPT can be formed by as little as three individuals, who wish to renovate an old building and see it brought back into use but without making a profit for themselves. Funding is raised through various bodies such as The Architectural Heritage Fund and guidance is also given to groups on the logistics and practicalities of initial set-up.

As an attractive tourist destination Eden District and Carlisle City Councils are committed to ensuring the excellent maintenance of some of our most attractive buildings. To ensure the success of these projects, we are willing to offer the services of our planning department and any other appropriate Council officer to give free advice and support to interested groups.

9. PREVENTATIVE MEASURES

This strategy has been written not only to deal with existing empty properties but also to act as a preventative measure to ensure that more do not become empty. In producing a strategy Eden District and Carlisle City Councils are setting out to ensure that areas do not become undesirable due to the dilapidation of a few properties.

Tackling environmental issues

Eden District and Carlisle City Councils aim to improve the quality of life for all those who live in the area by encouraging public pride and ownership in the local environment. We are determined to be proactive in tackling litter, fly-tipping, dog fouling, abandoned vehicles, vandalism and anti-social behaviour by interpretative, educational and promotional work; and through patrolling and enforcement work where necessary.

Environment - Built and Natural

Eden District and Carlisle City Councils are committed to improving the quality of environment. Ensuring the re-use of empty properties will help us to deliver improvements to the environment. Empty properties are a waste of energy as heat from neighbouring properties is lost through the walls. Residents also express concerns that empty homes are used for dumping rubbish and fly-tipping, and as stated above we will take the necessary action to combat this problem. Through this Empty Property Strategy we also intend to minimise Greenfield development.

Health and welfare

Improving the health and welfare of our citizens and employees is key to our aim to improve the quality of life. Occasionally, residents are forced to seek alternative accommodation and leave their property empty because their existing home no longer meets their changing needs.

The Home Improvement Agency (HIA) was set up in the early 1990's and exists across both Councils to assist vulnerable people to access grant assistance for repairs, improvements and adaptations to their homes. It provides an invaluable, impartial and more importantly, independent service to these people, enabling them to remain and be cared for in their own homes, rather than have to be taken into, and looked after, in residential care. It also ensures that homes can be used rather than be left empty.

10. LAST RESORT ACTION

Eden District and Carlisle City Councils will always seek, where possible, to work with the owner to bring an empty property back into use voluntarily. However, where this is not possible, for instance where an owner of a long term empty property is not willing to see it occupied, we will consider our legislative powers to ensure its re-used.

Within the toolkit of measures to address the issue of Empty Homes, the issue of legislative powers is central to ensure adequate redress in relation to enforcement. (see appendix B on page 17). Eden District and Carlisle City Councils will consider the following last resort action:

Untraceable Owners

If we cannot trace an owner we will demonstrate that we have made all reasonable efforts to do so and then attach a notice to the front of the property stating our intention to carry out the works in default and to recover the costs of those works. The notice will be photographed in situ at regular intervals. Once the works have been carried out, then we will look to force the sale of the property to recover costs.

Enforced Sale Procedure, Law of Property Act 1925, s103

Local authorities have the power to force a sale of the property where money is owed to the council, for example, as a result of work in default. If either Eden District or Carlisle City Council carries out repair or preventative measure works due to inaction on the part of the owner we will then seek to recover those costs by enforcing the sale of the property. This is a speedier and less complicated method than Compulsory Purchase Orders and has been used effectively in other parts of the country such as Manchester, Leeds and Wandsworth.

Compulsory Purchase Powers

Ultimately if an owner refuses to bring a property back into authorised use and that property is having a degenerative effect on the area we may seek to purchase it by means of a Compulsory Purchase Order.

The legal powers are contained in Section 17 Housing Act 1985 and Section 93 Local Government and Housing Act 1989. There is now a Planning and Compulsory Purchase Act 2004, which modifies some of the procedures, and the Town and Country Planning Commencement Orders 2004. Numbers 2097; 2202 and 2593 were made respectively on 4th and 26th August 2004 and 4th October 2004 implementing the provisions of Part 8 of the Act). In our use of such powers we will follow closely the guidance laid out in Government circulars.

Empty Dwelling Management Orders (EDMOs)

Both Eden District and Carlisle City Councils welcome the introduction of Empty Dwelling Management Orders and will consider the use of these powers fully, but only as an effective last resort.

THE WAY FORWARD

Building on existing knowledge of empty properties is a key element of the Strategy. Joint working across all the Councils' departments is essential to deliver the action plan. An Officer Working Group has been established which will serve as a co-ordinating body and ensure effective delivery of this strategy.

Emerging from this Strategy will be a comprehensive, multi-disciplinary approach together with procedures for dealing with empty properties. This will involve the co-ordination of the toolkit of measures contained within the Strategy as appropriate. Action on Empty Homes will be prioritised, and key partners such as Registered Social Landlords will be invited to become involved in bringing properties back into use.

Action plan updated annually by each Council based on each local authority priorities and needs.

Empty Property Strategy Appendices:

A: The housing market in Eden and Carlisle

The Cumbrian housing market is generally very strong with demand in excess of supply, except on the west coast where there are pockets of low demand. Urban areas, in particular those within easy reach of town centres are the most sought after. Rural areas within Cumbria continue to be the focus of strong, growing second home interest. The buy to let market, particularly with people from outside the area is strong in the urban areas. Consequently, first time buyers and young couples find it hard to enter the market as the market is virtually restricted to those with over £80,000 to spend.

The market has definitely recovered from the Foot and Mouth crisis and prices now compare with and often outstrip the rest of the country. The Eden District and Carlisle City areas have the unusual profile of having low unemployment coupled with a low level average wage. There is a serious shortage of labour supply but also the emergence of new employment opportunities. This means that labour is being imported from other areas further increasing the demand for affordable housing. The booming tourist industry has also contributed to a serious inflation of property prices exacerbating the fact that local people are rarely able to afford accommodation.

Within Carlisle City Council boundaries there are an estimated 1,380 empty houses of which 280 of all vacant premises are estimated to be problematic 'long term' vacant. The total Housing stock in 2010 was 49,235, so less than 2.8 % of the total stock is currently deemed as long term empty. Within Eden District Council boundaries the total housing stock in June 2010 is 25,008, so 1.5% of the stock is currently empty, Eden has seen a slight increase since 2006. While these occur across all tenures the majority of these properties are likely to be privately owned homes that could usefully be brought back into use. In both local authorities the majority of empty dwellings are in reality returned to use in relatively short periods of time.

Empty properties are recorded across both Local authorities. It is estimated that 1.5% of the properties within the Eden District Council area are vacant; in the Carlisle area this figure is 2.8%. However, both Councils provide advice and assistance to landlords to facilitate the re-occupation of empty private sector houses, the details of which are outlined in this strategy.

Tourism, Culture and Leisure is of vital importance to Eden District and Carlisle City Councils, both in employment terms and also in relation to income generation as an industry, due the proximity of the Lake District National Park. Both Councils take pride in this heritage and the natural beauty of the area. Due to the success in attracting visitors, there are a significant number of holiday as well as second homes across both Councils. Both Councils have already taken a decision to reduce the Council Tax discount available for second homes, and whilst investment into the area is welcomed, there is concern about the increasing inability of local people to enter the housing market here.

The stability of the housing market in the rural areas of the both local authority administrative areas mutually supports the housing market within the town centres. It is essential that the issue of empty homes in the rural areas is addressed. This can increase the saleability of properties in a village and potentially reduce the pressure for accommodation within the towns.

B: Legislative powers for use on empty homes

Eden District and Carlisle City Councils have a statutory duty to ensure that all residential properties are free from Category 1 and 2 hazards under the Housing Act 2004. The Housing Health and Safety Rating System (HHSRS) assesses the conditions of private sector dwellings. The purpose of the HHSRS is for officers to identify hazards to health and safety present in dwellings in its area. A rating score is produced for each hazard and used to determine what, if any, action needs to be taken to make a property safe. This can be done by:

- issuing a hazard awareness notice - this warns the property owner that the council is aware of the problem;
- issuing the property owner with an improvement notice, which ensures the owner carry's out certain repairs or improvements in a certain time scale;
- taking emergency action, to carry out the works and recovering the cost from the property owner or enforcing the sale;
- making an order to demolish the property;
- buying the property from the owner under the compulsory purchase rules.

Eden District Council and Carlisle City Council are committed to ensuring a high standard of accommodation throughout the area and will establish a timetable of enforcement action to tackle the problem of empty properties.

Additional Legislation

A selection of the legislation that Eden District and Carlisle Councils intends to consider when dealing with empty properties or those that have fallen below a decent standard are listed below:

The Housing Act 2004, Part 1 Housing Health and Safety Rating System

The Housing Act 2004, Part 4 Interim Empty Dwelling Management Orders

Town and Country Planning Act 1990 s215 - gives Eden District and Carlisle Councils the power to serve a notice on the owner to take remedial action if the exterior condition of the property is adversely affecting the amenity of the area.

Local Government (Miscellaneous Provisions) Act 1982, s29 - enables Eden District and Carlisle City Councils to undertake works to an unoccupied building or one whose owner is temporarily absent, to prevent unauthorised entry or prevent it becoming a danger to public health.

Environmental Protection Act 1990, ss 79-82 - enables Eden District and Carlisle City Councils to serve an abatement notice on the owner or occupier of premises where that property is in such a state as to be prejudicial to health.

Building Act 1984, s76 - gives Eden District and Carlisle City Councils the ability to deal with a property that is in such a state of disrepair that it is unsafe.

Building Act 1984, s77 and s78 - enables Eden District and Carlisle City Councils to deal with properties found to be in a dangerous condition.

Prevention of Damage by Pests Act 1949, s4 - gives Eden District and Carlisle City Councils the power to serve a notice on the owner requiring them to get rid of any vermin infestation.

Other powers include:

Local Government (Miscellaneous Provisions) Act 1976

s16 a power to require information regarding ownership of a property;

s15 a power to survey land which we propose to acquire compulsorily;

s29 a power to secure against unauthorised entry and remove all materials likely to present a prejudicial risk to health (1982).

Planning (Listed Buildings and Conservation Areas) Act 1990

s47 the power to compulsorily purchase a property;

s48 the power to serve repair notices;

s54 the power to serve a notice of urgent works;

s55 the power to recover expenses;

s76 concerns unlisted buildings in a Conservation Area.

Planning (Listed Buildings and Conservation Area) Act 1990

Requires repairs of listed buildings to be carried out to Conservation specification.

Crime and Disorder Act 1998, s17 - requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. All policies, strategies and service delivery need to consider the likely impact on crime and disorder.