Empty Property and Enforcement
This leaflet gives advice and information on what might happen if you do not maintain your empty property or bring it back into use.

There are approximately 4000 empty properties in Gateshead at any one time with over half of these vacant for longer than six months. From a surge of new build properties standing empty to increased repossessions as a consequence of the ‘credit crunch’, long-term empty properties continue to cause problems to the residents of Gateshead.

As part of a national push to get empty properties back into use, the Council has appointed an Empty Property Officer. They are there to help deal with these issues and encourage the owners of empty properties to bring these much needed homes back in to occupation. This officer is supported by Gateshead Council’s Private Sector Housing Renewal Team to tackle the increasing numbers of vacant properties going to waste in Gateshead.

Ten reasons why you should not leave your property empty

1. It attracts fly tipping, vandalism, anti-social behaviour and sometimes arson.
2. It attracts illegal squatting.
3. It is an eyesore that detracts from the surrounding property and neighbourhood.
4. Empty properties are estimated to reduce the value of neighbouring property by 10%.
5. It can cause damage to adjacent homes.
6. It can fall into disrepair and depreciate in value.
7. It is a wasted asset that will cost you money to keep empty.
8. Local authorities will take enforcement action to ensure the property is re-occupied.
9. You could lose the property through compulsory purchase or enforced sale or demolition.
10. It increases pressure on town planners to allow new developments on green field sites.

Empty properties end up costing you money!
Maintaining an empty property

Is it illegal to leave my property empty?

No, it is not illegal to keep a property empty but it can be an expensive option.

You must make sure that it remains secure and well maintained during the vacancy, that the gardens are kept neat and tidy and that you pay your council tax and other utility bills such as water and electricity.

If your property is only lived in occasionally, perhaps because you live elsewhere at other times, you need to make arrangements for it to be secure and well maintained when you’re not there.

To prevent the property falling into disrepair and becoming a target for vandalism you should, at least:

- Arrange adequate insurance
- Arrange for the gardens to be maintained to a minimum standard
- Create the appearance that it is occupied, for example, by hanging curtains
- Have it inspected at regular intervals and undertake any repairs or damage that may occur
- Consider giving a neighbour a telephone number so that someone can be contacted in an emergency
- Problem Properties

Most complaints concern empty properties that have been the victim of criminal damage, vandalism etc or rubbish dumped in yards or gardens of these properties. The Council has a range of powers available to deal with these problems.

As a result of being given advice and assistance, owners of empty properties may bring their properties back into use on a voluntary basis. However in some cases properties may continue to be left empty, resulting in further deterioration and may attract crime, vandalism and antisocial behaviour. In these situations we have a variety of options available to bring properties back into use.
The following are examples of statutory enforcement action we can take:

**Emergency Powers**
Emergency powers allow the Council to carry out works, where justified on the grounds of risk to the public, without serving a statutory notice. This is carried out when we judge that works need to be done immediately. An example of this would be when we need to secure an unsecure building against unauthorised entry, with the intention of protecting the person entering the building and others against their acts, including arson. We may also do this when we cannot reach the owner of the building or we can’t trace the person who occupies the building.

**Statutory notice**
This is a legal document served on an owner requiring works to be carried out on a property. Often a time limit is specified for when works must start and be completed. Failure to carry out the works within the time limits given could result in prosecution.

**Works in default**
If you fail to carry out works the council may carry them out in default. Costs will be recovered from the owner together with an administration fee and any other associated charges. Unpaid costs will lead to recovery action being taken.

**Enforced sale**
The Council has the same powers as a mortgage lender may have when recovering a debt. We can recover unpaid costs incurred by the council to make a property secure or safe by forcing you to sell the property. The property will be sold at auction and any outstanding debt deducted from the sale proceeds. The process can take as little as six months to complete.

**Compulsory Purchase Order**
The Housing Act 1985 gives councils the power to compulsory purchase abandoned or derelict property. It may be used as a last resort against owners who take no action to bring their property back into use.
Powers for Local Authorities to lease long-term empty properties
Management of the property may be undertaken either in-house by the council or contracted out to a housing association or private letting agent.

Empty Dwelling Management Orders (EDMO's)
The Housing Act 2004 now enables local authorities to apply to Residential Property Tribunals to make EDMO's on long term, privately owned, empty dwellings where owners are unwilling or unable to co-operate with voluntary measures to secure occupation.

Development of area based renewal initiatives
In communities suffering from neighbourhood decline area based initiatives can be the most effective method of restoring confidence and halting decline.

Demolition
In extreme cases where the empty property is ruinous and dilapidated it can be demolished.

Any action taken will be in accordance with the Compliance Code and Enforcement Concordat and will be targeted towards those owners who have disregarded their responsibilities as owner of an empty problem property. In some cases the owners may have abandoned the property altogether.

Other information leaflets in this series:
- Empty Properties in Gateshead - an overview
- Is an Empty Property causing you problems?
- Bring Your Empty Property Back into Use
- Letting your Empty Property
Do something about your empty property now!

If you are the owner of a property standing empty contact us for advice and assistance:

The Private Sector Housing Renewal Team
Development and Enterprise
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

Tel: 0191 433 3000
Tel: 0191 433 3376 Empty Property Officer direct line

Or email to: privatesectorhousingcivic@gateshead.gov.uk

The Empty Homes Agency website can also provide information on this matter www.emptyhomes.com.
Other useful contacts

Citizens Advice Bureau
5 Regent Terrace
Gateshead

Tel: 0191 477 1392

Gateshead Private Landlords’ Association
Civic Centre
Regent Street
Gateshead

Tel: 0191 433 2893

Northumbria Police
High West Street
Gateshead

Tel: 0191 454 7555

For more information about Gateshead Council Services including housing services:
www.gateshead.gov.uk