

Scottish Empty Homes Partnership

Response to the Equalities, Local Government and Communities inquiry into Empty Homes (Wales) – Additional information

This minute responds to your request for additional information in two areas following Shaheena Din's appearance before the enquiry on 11 July.

1. On performance monitoring:

You noted;

The Committee heard evidence that the current performance monitoring data in Wales is not robust. We were told it doesn't focus on the properties that have been empty for the longest; doesn't include the most problematic properties that have been removed from the council tax valuation list; and doesn't reflect much of the work local authorities carry out on empty properties.

What data is relied upon in Scotland to measure progress in dealing with empty properties? How important is a robust evidence base to implementing a strategic approach and measuring success?

A similar question was raised by the Local Government and Communities Committee in Scotland in their call for views on empty homes in Scotland. They asked 'Is there enough information/data to provide an accurate picture of empty homes in Scotland? If not, how could this be improved?'

I copy our response to the committee on this point;

'In looking at what statistics are needed to give an accurate picture of the problems caused by empty homes, it is important to recognise the distinction between empty homes and long term empty homes. Long term empty properties are those that have been empty for six months or more. Properties empty for shorter periods are in part a sign of a healthy property market where there is a balance between supply and demand for properties for sale or rent.

Where properties remain empty beyond six months it may either be a sign of market failure as a whole or other problems that prevent the house being returned to use. Therefore, for meaningful data to provide an accurate picture of empty homes, the data should focus on long term empty homes, not all empty properties.

The National Records of Scotland data referred to in the call for evidence for this inquiry gives a figure of 79,000 empty properties, but this includes 'new homes which are yet to be occupied, and dwellings which are empty and awaiting demolition'. The inclusion of new homes, which are likely to be awaiting occupation unless they have been empty for more than six months, and properties awaiting demolition, that cannot be returned to the housing stock, mean that the figure could be seen as overstating the scale of the empty homes problem across the country.

In contrast, the main statistics published by the Scottish Government, which report approximately 39,000 properties as long term empty, may do the opposite. These figures are based on council tax returns to Scottish Government and exclude properties that have been empty for less than a minimum of six months and properties that are exempt from council tax. While this avoids overstating the problem (as new properties and properties awaiting demolition are not included in the count) the exclusion of other properties exempt from council tax means that other empty homes are not counted and the figures understate the scale of the problem.

Properties exempt from council tax include properties that have been repossessed, properties where the owners are deceased and probate has not yet been granted, and properties where owners have moved into long term care. Properties undergoing major structural repairs or renovation may also be exempt from council tax.

The exclusion of these properties can also mean that some of the most problematic empty homes go under the radar and are not easily identifiable to empty homes officers. While they remain unnoticed, their decline is likely to be continuing meaning that by the time they do come to empty homes officer's attention it is likely to be because of the blight they are causing to a neighbourhood and may mean that far more work is now needed to try and bring them back into use.

It is also worth noting that, because the statistics on empty homes are taken from council tax returns, their accuracy is subject to variations across councils due to methods of data collection, and they also rely on people providing accurate information to councils when properties become empty. This does not always happen, particularly where owners know they may be liable for 200% council tax if they report a property as empty. In other instances, former second homes that are no longer used as such may be misclassified, or people may continue to pay full council tax in spite of being in long term care.

There is therefore a need for more accurate data to identify the scale of the problem across the country and assist empty homes officers and councils in their efforts to bring empty properties back into use. At the same time, there is also a need for more detailed information to be gathered and for data to be analysed in order to understand what the

issues are that lie behind empty homes across the country and what options may work to bring properties back into use in specific locations.

With this in mind, the Scottish Empty Homes Partnership intends to carry out a National Empty Homes Survey later in 2019, with the aim of gathering information that will provide further insights into the reasons why homes become long term empty and the barriers to bringing empty homes back into use. It is hoped that the findings can be used to; establish whether there is a link between the reasons homes initially become empty and the reasons why they often remain empty; build a greater understanding of what initiatives may generally work more generally assist in bringing empty homes back into use, and Identify areas with high volumes of empty homes where specific and/or intensive initiatives may also be needed.'

I also add three further observations on this;

- 1) the survey referred to above has now been issued to all local authorities in Scotland with a request to respond by 16 August. The findings will be presented at the Scottish Empty Homes Annual Conference on 20 November
- 2) The Scottish Empty Homes Partnership publishes annual statistics showing the number of empty properties brought back into use as a result of active intervention by empty homes officer/local authority in the last twelve months. The most recent figures for 2018/2019 show a total of 1,128 properties being brought back into use in the year, bringing the overall total since SEHP began to 4,340. These figures are compiled from returns received from empty homes officers or other designated contacts in each local authority. They do not include empty homes brought back into use without intervention from the officer or local authority.
- 3) While figures collated and published by Scottish Government show the net changes per year in numbers of long term empty homes and properties exempt from council tax as well as second homes, they do not break this figure down further to show inflow and outflow from the overall totals or how the figures break down into differing lengths of time empty (i.e, six to twelve months, twelve months to a year, and so on).

Figures such as this are important for establishing a robust evidence base. For our 2019 annual report we sought to establish a clear picture of how long homes are currently lying empty before being brought back into use, and to corroborate whether there is a time beyond which it may become significantly more difficult to bring a home back into use.

Based on active and completed cases reported by empty homes officers in 2018/19, we found that the five-year barrier represents a significant barrier in efforts to bringing empty homes back into use with only 13% of home brought back into use having been empty for more than five years in contrast with 24% of active cases having been empty for this long.

We also looked at reasons why homes become empty and remain empty, in order to assess what factors may be driving overall increases in the number of empty properties and preventing properties being returned to use.

Our findings are summarised in our 2018/2019 annual report (https://scotland.shelter.org.uk/data/assets/pdf_file/0004/1778206/39755_Shelter_Empty_Homes_Annual_Report.pdf). The results of the National Empty Homes Survey referred to earlier, will provide us with further information that can be read alongside this to build a greater understanding of what may be required in areas with large volumes of long term empty properties.

2. On data protection:

You noted;

Local authorities told the Committee that they get asked for details of empty properties by developers and others on a regular basis. They told us that, generally, data protection legislation prevents them sharing this information. To what extent is this an obstacle to bringing empty properties back into use, and are there examples of ways to work around this?

Looking specifically at sharing details of empty properties with developers and other potential buyers, we note that one way around concerns about GDPR compliance is to operate a 'Matchmaker Scheme'. These operate in several local authorities across Scotland.

The schemes match empty homes with people wanting to buy them. In our guidance on operating such schemes we note that 'It is important to note here that you must only share the contact details that the owners have authorised to be sent to potential buyers. As part of your GDPR compliance you should ask which contact details sellers and buyers wish to be shared, ideally on your Matchmaker Scheme registration form. Owners can also specify that contact is made via their agent. This is perfectly acceptable but can sometimes be a turn-off for buyers who may prefer to negotiate directly with the owner.'

Providing that these conditions are noted, we do not consider that GDPR should be an obstacle where an owner is actively looking to sell their property or is willing to engage with developers or buyers who may be interested in purchasing the property.