

WARRINGTON
Borough Council



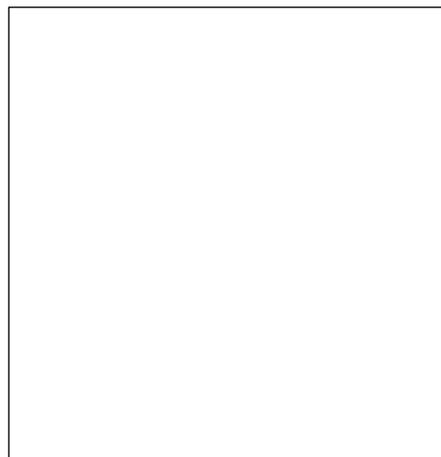
Vacant Homes Strategy

2015 - 2018

Draft

Foreword

People choose to leave homes empty for a variety of reasons. Perhaps the property is up for sale and the owner is working elsewhere; the owner may have died and executors are going through the probate procedure; the owner may be temporarily looking after relatives in another part of the country. All good reasons to justify why a home is left empty. However, if these properties aren't well maintained with unsightly overgrown gardens and disrepair such as broken windows, leaking gutters or burst pipes which can cause a huge amount of damage, internally and to adjoining properties, then they can attract further problems such as being used as a dumping ground for other people's rubbish or other anti-social behaviour. These unkempt properties can become a blight in their neighbourhood.



These empty dwellings are a wasted resource and could provide a home for someone else.

The Council is committed to *"Growing a Stronger Warrington"* which focusses on building safe, strong and active communities, encouraging a stronger economy and protecting the most vulnerable. Helping owners to bring empty homes back into use will contribute towards these objectives.

The Government has provided financial incentives to local authorities to bring back such homes into use in the form of New Homes Bonus (NHB). There is a national shortage of decent housing and using existing resources is a good way of providing homes and is much quicker than building from new, although this is also required. Warrington has benefited from New Homes Bonus and the Council has received more funding through this than would have been the case under the previous allocation process. There are also financial incentives for owners who let out their properties rather than leave them empty – the rental income as well as the utility bill and Council Tax liability transferring to the occupiers.

This strategy sets out the Council's plans to bring long term empty dwellings back into use for housing purposes over the next 3 years thereby helping to provide more housing accommodation, reduce the blight in neighbourhoods caused by some empty homes and increase the financial income to the Council through New Homes Bonus – which is used to support essential services provided by the Council.

Councillor Maureen McLaughlin

Executive Member for Public Health and Well-being

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Introduction

Our aims and objectives

“Growing a Stronger Warrington” outlines the ¹ Council’s strategic objectives for the period 2015 – 2018 and one of its aims is to make Warrington a place that is “clean and green, with good quality housing and business premises which meet the needs of our strong growing town”. We will contribute towards this vision by working to bring long term empty dwellings back into use, which will increase the numbers of decent homes in the Borough and deal with blight in neighbourhoods caused by empty properties which have become targets for anti-social behaviour such as fly-tipping or arson.

One of the 4 main aims of the Council’s Housing Strategy 2015 – 2020 is “to make better use of existing housing stock” not only by improving the condition of this but also concentrating on bringing long term empty properties back into use. Council Tax data indicates that in October 2014 there were 807 such vacant dwellings. Although this is a small percentage of the overall housing stock in the Borough (0.89%) this remains a wasted resource which could be better used.

1 Our challenges

1.1 Funding

The major challenge faced by all public services is managing significant reductions in funding, which affects staffing resources as well as capital funding to offer financial assistance to owners of empty properties to encourage them to bring them back into residential use. Since 2010, revenue funding to enable the Council to provide all its services has been cut by £77m and it is anticipated that a further saving of £31m will be required by 2017. This has had a significant impact on the way that the Council is able to deliver services and still carry out its statutory functions. In addition, the Government withdrew all local authority grant funding for private sector housing projects which amounted to £1.5m in 2010/11. Some of this funding was made available for grants and loans to bring empty properties back into use.

1.2 Demand for housing

The Council’s Housing Options Service has seen significant numbers of clients accessing the service for housing advice and assistance over the last 4 years and this includes people who are at imminent risk of homelessness or who are living with friends or relatives on a temporary basis until more suitable accommodation can be found (often referred to as “homeless at home”). Demand for the bond scheme remains high and in such cases the Council guarantees the rent bond for the client enabling access to private rented sector accommodation which would otherwise be unavailable to them. Such indicators highlight the acute demand for decent accommodation for people to live in (see Table 1 below).

Table 1	2011/12	2012/13	2013/14	2014/15
Total no of service requests	3,681	1,895	1,938	2,815
No of statutory homelessness applications made (and accepted)	161 (144)	127 (83)	260 (113)	168 (86)
Total no of clients accessing accommodation in the private rented sector through the Council's Bond Scheme	92	135	73	89

2 Background Information

2.1 Warrington profile

Between 2001 and 2011 the population of Warrington increased by 5.8% (11,026 residents), whilst average household size decreased from 2.4 to 2.3 residents. There was also a 14.4% (3,080) increase in the number of single person households, pointing towards the need for a greater demand for suitable types housing in the Borough. The total population is also projected to grow by 9.7% from 202,700 in 2011 to 222,400 by 2021 which is greater than the comparable figure for population growth in England of 8.6%.

Tenure type is also changing: owner occupation has fallen from 75.2% in 2001 to 71.5% in 2011. During the same period the private rented sector increased by a large proportion from 4.7% to 11.2%, an increase of 105.1%. Table 2 below, shows the increase in the dwelling stock since 2004 as well as the numbers of long term vacant dwellings recorded in October of each year. (Long term vacant dwellings for the purpose of this table are those that have been classed as empty, and not part of an exempted class, for Council Tax purposes).

Table 2	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Long term vacants	1,284	1,507	1,614	909	1,152	951	916	779	780	480	807
Dwelling stock (CTax database)	82,185 April 04	83,009 April 05	83,990 April 06	85,217 April 07	86,793 April 08	87,722 Oct 09	88,722 Oct 10	88,735 Oct 11	89,341 Oct 12	89,977 Oct 13	90,686 Oct 14

From ² Government data sets on dwelling stock including vacants

The Council has identified 2 types of vacant properties – transactional and non-transactional. The former are in the process of change, perhaps subject to probate following the death of the owner, up for sale or in the process of being renovated before the owners move into the property. The non-transactional long term empty properties are those that are the main target of this vacant homes strategy.

Anecdotal evidence suggests that vacant home owners have a variety of reasons for keeping them vacant. These can include as a “shrine” to a previous relationship or a cherished family member who has passed away; a financial investment with perceived greater security than were the equivalent value of the property invested in a financial institution (savings are only protected to a maximum of £85,000 under the financial services compensation scheme if they are in a bank / building society / credit union which is authorised by the Prudential Regulation Authority – if such properties have furniture then they can be classed as a second home for Council Tax purposes even though they are never occupied); an older person is taken into a care home and is unable to deal with their legal and financial affairs, such properties may not be subsequently well maintained and can fall into poor repair – these properties, although empty, are classed as exempt from paying Council Tax.

2.2 Housing Renewals Policy

The Regulatory Reform Order 2002 introduced a significant change in emphasis from Government towards urban renewal which had previously focussed around mandatory grants for provision of basic amenities and disrepair of the fabric of the building. Local authorities were required to consider a more strategic approach towards dealing with local housing conditions and to require owners (particularly owner-occupiers) to take responsibility for improving their own property, thus moving away from a grant only solution to housing problems.

Warrington’s Housing Renewals Policy took into account the relatively low numbers of properties in the private rented market (4.1% of dwellings according to the 2001 census) and sought to encourage development of this sector by offering grants to owners of long term empty properties in need of considerable repair and improvement to bring them back into use in the private rented sector. **Landlord Renewals Assistance** for Vacant Properties was a 50% grant of up to £25,000 (and up to £35,000 where properties had structural issues) to bring them up to the Decent Homes Standard and fit for occupation. Grant conditions applied to the properties for 5 years, with requirements to repay grant monies if these conditions were breached.

Between 2005 and 2013 the Council gave 16 of these grants amounting to £318k. Although 3 grants were repaid during this time for a variety of reasons, all 16 properties still continue to be let in the private rented sector (May 2015). In all cases the street scene in the neighbourhood where each property was located was considerably improved.

Private landlords now play an essential role in the provision of accommodation in Warrington (2011 census indicates that 11.2% of dwellings are now privately let, an increase of 105.1% since the previous census). The **Cheshire Landlord Accreditation Scheme** (CLAS) was developed by Cheshire East, Warrington and Cheshire West & Chester Councils and aims to promote good physical conditions and good management practices in the private rented sector across the county

through landlord self-regulation. Since the scheme started in September 2010 some 38 landlords have been accredited in Warrington with 102 properties between them.

To promote CLAS and to encourage the owners of long term empty dwellings to bring them back into use, the Council developed the **Vacant Homes Grant** which was offered between 2011 and 2014. This was a small grant of up to £5,000 (plus fees) to carry out repairs, improvements and safety checks to bring long term vacant dwellings (vacant for more than 6 months) up to a reasonable condition to enable them to be let in the private rented sector. Grant conditions applied for a 5 year period after payment of the grant, including the requirement for the landlord to become registered under CLAS and undertake some basic landlord training. Between 2011 and 2014 some 26 Vacant Homes Grants were completed, amounting to £132k. All the properties continue to be tenanted.

The Council is no longer able to offer either of these grants due to constraints on financial resources.

In September 2013 the Government set up a **National Empty Homes Loan Fund**, which was accessible through the Empty Homes Agency and offered owners a secured loan of up to £15,000 to bring their empty properties up to the ³Decent Homes Standard and rent them out. The scheme was discontinued in August 2014 due to the financial requirements of the building society that fronted the loan scheme and subsequent low take up.

Using funding repaid from other discretionary loans, the Council has developed a **Vacant Homes Loan** which is a secured low cost loan of up to £10,000 designed to assist owners of long term vacant properties to carry out remedial works to bring them back up to a good standard of repair and back into use in the private rented sector. As a condition of the loan, the landlord must become accredited under the Cheshire Landlord Accreditation Scheme (CLAS). This loan is offered in conjunction with the Council's Loan Agent, Warrington Housing Association.

2.3 New Homes Bonus

This is a grant paid by central government to English local councils for increasing the numbers of homes in their area and their use. ⁴New Homes Bonus (NHB) is intended to be a permanent incentive paid in respect of new-build homes, conversions and long-term empty properties brought back into use. Payments for each eligible property are paid for 6 years and are calculated per home in terms of the national average Council Tax Band for that home. It has been in place since 2011/12. Housing stock numbers are recorded by local authorities on the Council Tax Base form, which measures changes from year to year, with housing additions becoming eligible for NHB. Data is taken in early October and the bonus is paid the following financial year. NHB is an unringfenced grant which can make a significant contribution towards the Council's annual income. Use of this funding is also flexible and so it can be used for revenue or capital projects. This Council uses some of the

grant to fund the Empty Property Officer post within Private Sector Housing. Tables 3 and 4 below show the numbers of properties brought back into use and the funding received for Warrington.

Table 3: NHB - Aggregate numbers of homes recognised for the 5 years 2011-12 to 2015-16

Net additions to housing stock (excluding empty homes)	Empty Homes brought into use (net)	Affordable units rewarded	Total final payment for 2015-16	Total NHB to date (including final payment for 2015/16)
2,963	144	929	£4,484,442	£13,312,887

Table 4: The empty homes element of this payment for Warrington is as follows:

Year	Nos of empty properties brought back into use	Funding received for Year 1	Funding received over 6 years
2011/12	35	£41,737	£250,424
2012/13	137	£143,122	£858,732
2013/14	-1	£7,835	£47,010
2014/15	300	£388,526	£2,338,981
2015/16	-327*	-£389,831	-£2,338,981
Overall amount	144 (net)	£191,389	£1,148,341

**This was the result of some changes to the way in which certain properties were assessed for CT purposes and a significant number of new build properties on the market and which remained vacant for extended periods following the introduction of more complex rules by the Government / Financial Services Industry for people trying to access mortgages.*

2.4 Changes to Council Tax charging policy

The Local Government Finance Act 2012 gave local authorities powers to vary the level of discounts on certain categories of empty dwellings and second homes. This Council has taken the opportunity of making some changes to its Council Tax (CT) regime to reflect its overarching policy to bring empty dwellings back into use (see Table 5: Summary of Council Tax changes overleaf).

These changes would have been likely to affect 1,784 properties within the Borough at the time of implementation of this new policy and it is hoped that these changes will contribute towards encouraging owners of empty dwellings to bring them back into use.

Table 5: Summary of Council Tax changes

Property category	Previous discounts	CT charges from April 2014
Empty & unfurnished property undergoing / requiring major repairs / alterations to make it habitable	100% discount (nil charge) for a maximum of 12 months	No change 100% discount (nil charge) for a maximum of 12 months
Property becomes empty and unfurnished	100% discount (nil charge) for a maximum of 6 months	100% discount (nil charge) for a maximum of 3 months
Empty property discounts - property has been empty & unfurnished for up to 2 years	50% discount (50% of the CT is payable)	25% discount (75% of the CT is payable after the 3 or 12 month period above has expired)
Empty property discounts - property has been empty & unfurnished for over 2 years	50% discount (50% of the CT is payable)	Premium of 50% will be charged in addition to the full CT (150% of the CT charge is payable)
Second homes & furnished empty properties	10% discount (90% of the CT is payable)	No Discount (100% of the CT is payable)

3 Legislative Context

3.1 Enforcement Policy

The ⁵**Private Sector Housing (PSH) Enforcement Policy** sits below the Council's overarching Enforcement Policy which was adopted by Executive Board in November 2014. It reflects the duties and powers vested in the Council to deal with substandard housing, statutory nuisances & related public health issues, substandard management of private housing and the enforcement of various legal aspects of the relationship between neighbouring residents or landlords and their tenants.

3.2 Housing Act powers

The **Housing Act 2004** introduced a new regime for determining defects in dwellings called the **Housing Health and Safety Hazard Rating System (HHSRS)** which is a risk based assessment to assist local authorities to identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. Where Category 1 hazards are found in a property, the local authority is obliged to take action to remedy these. Where Category 2 hazards are found the local authority may take action. In both cases formal remedial action when dealing with empty dwellings can include service of an Improvement Notice or Emergency Remedial Action Notice. The Council currently charges £155 where it serves a

formal notice. Non-compliance with a formal notice can trigger prosecution, works in default, works in default & prosecution or a formal caution.

When the Council does carry out works in default, these are subject to a 20% administration charge to cover the Council's costs in arranging and supervising this work. The debt is recorded as local land charge, incurring interest on a daily basis until paid in full. This statute also confers a priority charge which enables the Council to consider the Enforced Sale Procedure (below) to enforce recovery of the debt.

Empty Dwelling Management Orders⁶ (EDMOs) are a discretionary power available to local authorities. The Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012 determines that EDMOs are limited to empty properties that have become magnets for vandalism, squatters and other forms of anti-social behaviour which are blighting the local neighbourhood. In addition, properties will need to be empty for at least 2 years before an EDMO can be obtained and property owners will be given at least 3 months' notice before the order can be issued.

The Government made changes to these regulations based on local authority applications to the Residential Property Tribunal (RPT - now the First Tier Tribunal) during the 5 year period 2006 – 2011. Of the 64 EDMO applications to the RPT, 43 were approved. These require significant local authority resources including the appointment of a managing agent, financial resources to undertake repairs and improvements and, in some cases, to track down the owners. The resources required approximate those required to pursue compulsory purchase (see below).

The Council adopted its **Enforced Sale Procedure** in November 2006 to bring problematic empty dwellings back into use and recoup debts on properties incurred as a result of unpaid works in default or notice charges, which can be discharged from the proceeds of sale. As part of this process, the Council will also charge for all costs incurred including legal, surveyors and administrative costs. Use of the Enforced Sales Procedure can be used where the debt recovery process has been exhausted, for example where property ownership has changed, but the enabling statute has the benefit of a charge on the property; where debt recovery cannot be pursued as it is statute barred (more than 6 years old) but the limitation period in respect of a sale under this procedure is not exceeded (12 years); or where the debtor is bankrupt or refuses to pay even though a court order has been obtained to that effect.

The Council will consider invoking this procedure on suitable properties, where it has a priority charge over the title to the property by means of service of certain relevant notices that have not been complied with by the owner and works have been undertaken in default and where the total debt on the property incurred for non-payment of the Council's charge for undertaking default works exceeds £300. In

some instances, using this procedure prompts recalcitrant owners to remedy disrepair and bring a property back into use.

Since this policy was adopted the Council has instigated this procedure in 5 cases: 2 dwellings were sold at auction and subsequently renovated by the new owners. Both are now occupied. In the remaining cases, the owners paid off all the debts on the properties prior to auction. One of the properties was then sold to a landlord who refurbished it for let in the private rented sector. The remaining two are still undergoing extensive renovation works.

Compulsory Purchase can be undertaken under the provisions of the Housing Act 1985 and is acquisition of property which fails to meet the statutory standard. Where there are concentrations of very poor housing, service of compulsory purchase orders (CPOs) and subsequent clearance of an area by the local authority can contribute towards effective urban regeneration and revitalisation of communities.

In circumstances where owners of empty properties fail to comply with statutory notices to remedy defects and reject all offers of advice and any financial assistance which may be available to bring them back into use, the Council will consider compulsory purchase. This follows Government guidance on CPOs which encourages local authorities to give owners every opportunity to carry out improvements voluntarily or in compliance with statutory notices before taking such action. The transformation of empty and derelict dwellings into accommodation suitable for residential use or by clearing an area and constructing new dwellings can have a marked impact on the local environment and quality of life for neighbouring residents.

The CPO procedure is complicated, resource intensive and has implications for the Council which, in addition to buying the property and making any compensation payments, may also have to fund public enquiry costs should there be any formal objections to the CPO. These matters will be taken into account when determining whether or not CPO (and clearance) is the most suitable option when dealing with an empty dwelling.

3.3 Miscellaneous powers

These can be useful in remedying unsightly conditions or disrepair to an empty dwelling which is causing problems to adjoining properties. Some of these statutes confer a priority charge on the property if the Council undertakes works in default and the outstanding debt is not paid by the owner and this enables the Council to consider using the Enforced Sale procedure to deal with a vacant dwelling. In addition, non-payment of certain outstanding debts incurs a daily interest penalty charge.

The **Prevention of Damage by Pests Act 1949** enables the Council to serve notice on gardens which are overgrown or have rubbish dumped in the garden which may

provide a food source or harbourage for rats and mice. This statute confers a priority charge, together with interest charges on the outstanding debt.

The **Building Act 1984** enables local authorities to deal with defective drainage and premises. Although this statute confers a priority charge, interest charges on the outstanding debt aren't incurred.

The statutory nuisance procedure under the **Environmental Protection Act 1990** involving the service of an abatement notice can also be considered to deal with premises or accumulations which are prejudicial to health or a nuisance. This statute confers a priority charge, together with interest charges on the outstanding debt.

The **Public Health Act 1936** can also be used to deal with filthy and verminous premises. This statute confers a priority charge, together with interest charges on the outstanding debt.

The **Town & Country Planning Act 1990** can also be used to serve notice to require the owner / occupier of a property to carry out improvement works if its condition adversely affects the neighbouring area. This statute does not confer a priority charge nor does the debt incur interest should the local authority carry out works in default.

3.4 Other financial opportunities

The Homes and Communities Agency's (HCA) ⁷**Affordable Homes Programme 2015 – 2018** aims to increase the supply of new affordable homes in England. The HCA has allocated nationally some £886 million from a competitive bidding process out of its £1.7 billion programme for 2015/18. This still leaves almost half of this fund available for future bidding under the Continuous Market Engagement (CME) process and allows housing providers to bid for funding for potential schemes during 2015 to 2018. The bidding guidance includes new build as well as acquisition and improvement.

4 Policy Tools for Intervention

The aims of this strategy are:

- to reduce the numbers of long term vacant dwellings in Warrington and bring them back into residential use
- to deal with long term vacant dwellings that are causing blight in a neighbourhood (which can be time consuming and costly to deal with)
- to maximize the Council's income through New Homes Bonus

This will be achieved by a range of methods including advice and encouragement, legislative powers and a small financial assistance programme, as detailed below:

- **Close working between colleagues across the Council including Revenues and Benefits, Planning Enforcement and Private Sector Housing**, sharing information to maximise income from Council Tax revenues which may also prompt vacant home owners to seek information on alternatives other than keeping a property empty. A joint approach by services can be helpful in eliciting behaviour change by owners, leading them to take a pro-active approach towards their problematic properties and selling them or improving them for let or sale
- In cases where there are no immediate health and safety concerns, take an **informal pro-active approach to owners of empty dwellings** offering advice, encouragement and assistance to sell or improve and let their properties by advising on the cost and consequences of keeping a property empty (increased Council Tax, target for vandalism and other anti-social behaviour, deteriorating quality of a potential financial asset). Offering a letting package which includes details of local letting agents, registered builders list and information about the legal requirements for letting a dwelling and, where appropriate, advising on the Council's Vacant Homes Loan
- **Encourage the public to report an empty dwelling in their neighbourhood** and to give Council officers information about the property (its history and ownership where possible) by promoting the online reporting form and Private Sector Housing email address (privatesector@warrington.gov.uk). Officers will respond to such service requests as promptly as possible
- **Assisting potential purchasers of vacant dwellings to contact the owner** by passing on information to the owner (where known by the Council and in compliance with data protection requirements) or by directing them to the Land Registry's online service
- **Promoting the Council's Vacant Homes Loan**, which has been developed to assist owners to bring long term empty dwellings back into use in the private rented sector through Private Sector Housing's webpages, the landlord newsletter and when offering tailored advice to empty home owners

- For empty properties which are unsightly, in disrepair and causing problems to adjoining properties or are causing a blight in the neighbourhood or have immediate health and safety issues which the Council is obliged to address and where efforts to deal with owners informally have failed, the Council will take **measured and proportionate enforcement action against owners using the legislative powers detailed in this strategy**. This will include notices to clear overgrown gardens, repair the structure of the dwelling both externally and in some cases internally too. If the owner does not comply with a notice, the Council may carry out works in default, take a prosecution or both. Where the owner fails to pay any demand for payment, the Council may consider further legal action, which could include Enforced Sale or Compulsory Purchase. In some cases, the Council may seek to publicise successful enforcement action which has resulted in an eyesore being turned into a decent, occupied home through its website, the landlord newsletter or the local press with the aim of encouraging other recalcitrant empty home owners to deal with their properties
- **Work with those colleagues in Adult Social Care who are looking after the empty homes of people in care** (and family members where present), to explore the possibility of bringing these properties back into use in the private rented sector. The advantages of this are that the client receives an income stream that could assist with care charges and the property will be maintained out of the rental income received, thus maintaining its value; the Council would receive Council Tax (currently such properties are classed as exempt from CT) and the local neighbourhood could benefit from a property which is not deteriorating from lack of use or causing a blight and this would create a rental opportunity for a family. Depending on the location, size and condition of individual properties, they may be of interest for specialist letting, such as company lets for employees
- **Work with partner Registered Providers (RPs)** to consider the potential for long term empty homes to be brought back into use by encouraging them to bid for funding from the Homes and Communities Agency (HCA) under its Affordable Homes Programme 2015-2018 to purchase and renovate empty properties. Bidding is open on a continuous market engagement basis and will remain so until all funding has been allocated
- **Explore the possibilities of purchasing vacant commercial premises for conversion into dwellings** for rental use by the Council to increase the housing stock for specialist letting such as emergency and move on accommodation for people who are homeless or threatened with

homelessness (this would require appropriate agreements from the Council's Executive Board and Capital Monitoring Groups for individual schemes)

5 Performance measurement and review

- To bring 50 long term vacant properties back into use by October 2016
- To bring 125 long term empty properties back into use by October 2019
- To maximize New Home Bonus payments to the Council

Performance will be reviewed on an annual basis, starting in October 2016 and targets and performance measurement reviewed accordingly.

6 Contacts

Carolyn Haining
Private Sector Housing Manager
Families and Wellbeing

T 01925 248480
E privatesector@warrington.gov.uk

Gerry Murphy
Empty Property Officer
Private Sector Housing
Families and Wellbeing

T 01925 248486
E privatesector@warrington.gov.uk

David Cowley
Head of Housing Services
Families and Wellbeing

T 01925 246890
E privatesector@warrington.gov.uk

7 References

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http://www.warrington.gov.uk/info/200361/council_publications/45/corporate_plan_and_strategy_2012-15

2. Government data sets on dwelling stock including vacants (Table 2):

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

3. Decent Homes Standard:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355.pdf

4. New Homes Bonus

<https://www.gov.uk/government/policies/increasing-the-number-of-available-homes/supporting-pages/new-homes-bonus>

5. Private Sector Housing Enforcement Policy (under the Housing Renewals Policy heading):

<http://www.warrington.gov.uk/housingpolicy>

6. Empty Homes Agency Guidance on EDMOs:

<http://emptyhomes.com/wp-content/uploads/2011/05/edmoguide1.pdf>

7. Affordable Homes Programme 2015 to 2018: guidance and allocations:

<https://www.gov.uk/government/collections/affordable-homes-programme-2015-to-2018-guidance-and-allocations>