

Portsmouth Empty Private Residential Property Strategy

December 2025–December 2030



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Introduction

Foreword

Foreword from Cllr Darren Sanders, Cabinet Member for Housing and Tackling Homelessness.

Thanks for looking at the strategy for tackling empty homes. We know people do not like to see homes empty for long periods of time, especially in a place like Portsmouth, where space is at a premium. Nationally, empty homes increased by nearly a quarter between 2018 and 2023. Although in Portsmouth over the same period, the rise was 1.2%, that still means 950 empty properties across the city, homes that could be used to house our residents, hence this strategy.

People tell me they think the Council can change this on its own. We can't. We need others across the city to help, and this strategy emphasises the importance of everyone playing their part. So, to those who can, the ask is clear: let's work together to get more of our city's people into a home.



Executive summary

Empty private residential properties in Portsmouth are a waste of valuable housing resource which could be used to provide a home, when demand for housing in the city is high. Empty properties, particularly those that have been vacant for a significant period of time, can also have a negative impact upon their local environment and the community.

This strategy provides the framework for identifying empty private properties and, where possible, methods of intervention to help bring them back to use. This strategy identifies the legislation around empty properties, the reasons why properties become empty and the impact that they can cause.

Putting this in a local context shows the impact that this issue has in Portsmouth and leads to the suggestion of four strategic aims as follows:

1. Maximise the usable housing stock in the city by supporting owners of empty private residential properties to return them to functional homes.
2. Tackle the problems that empty properties cause local residents, particularly focussing upon Environmental issues.
3. Work in a more joined up way across Council departments who have an interest in addressing the issues related to empty properties and broaden the way the Council works with external partners. To make bringing empty properties back into use everyone's business.
4. Intervene at the earliest opportunity after a property becomes empty, to reduce the number of properties that become empty long-term, and the issues associated with this.



The Council recognises that in some circumstances owning an empty home can be a daunting and stressful situation and will continue to offer support and information to assist owners in bringing their properties back into use. This must include working with key stakeholders to support in such circumstances, strengthening existing links to services such as social care and the voluntary sector.

It is not illegal for a property owner to have an empty property, and it is the property owners right under English law to absolute ownership. The Council is limited in what it can do, but it does have a key role in bringing about positive change for our communities. The Council not only have an interest in housing stock from the perspective of meeting demand for affordable housing, but also in ensuring communities are places people are proud to live in. The Council needs to work with owners of empty homes and our wider partners to take all available opportunities to help tackle long-term empty properties in the city, and where possible to try to encourage owners to bring properties back into use before they become long-term empty.

Strategy context

This strategy supersedes Portsmouth City Council's Empty Private Residential Property Strategy 2019–2024. It builds upon the previous strategy, but with a greater emphasis on proactive engagement with empty property owners before properties become empty long term. The strategy also prioritises those properties that have been empty for the longest periods or are having the biggest impact on those living in close proximity with a focus on long term empty properties that may help to meet local housing need and encourage affordable housing. In writing this updated strategy the Council has:

- consulted with the Empty Homes Network, a leading association regarding work addressing empty properties.
- reviewed the practices of other Councils considered to be leading the work in dealing with empty properties.
- considered best practice guidance regarding tackling empty properties issued by the Local Government Association¹
- reviewed recent research into Empty Properties, including a report by Shelter titled "Home Again: A 10-City Plan to rapidly convert empty homes into social rent homes".²

This renewed strategy outlines the wide-ranging options available across Council services to encourage empty properties to be brought back into use and contribute to the housing supply of the city.

The Council aims to assist owners who are willing to address the issues that empty properties can present, while also focusing on properties where no action is being taken by the owner. By doing so, the Council hopes to improve the availability of housing and address the broader problems caused by vacant properties in the community.

This strategy outlines the Council's approach to supporting and assisting owners of vacant properties, while also detailing the enforcement tools available should this be necessary. Key elements include:

- early intervention by reaching out to owners of properties at the earliest opportunity, before they become long-term empty
- proactive engagement with owners of long-term empty properties to bring them back into use
- use enforcement powers where necessary, proportionate, and possible within the confines of the legislative framework and the Councils Private Sector Housing Enforcement Policy
- targeting interventions towards properties that may best serve our local housing demand. There is not enough available family size accommodation available for those who are threatened with homelessness, meaning the number that have to live in less-than-ideal temporary accommodation is growing, and the period they are typically expected to live there is lengthening, owing to

the shortage of move-on accommodation. By prioritising intervention to empty properties that could contribute to demand for families this could assist

- encourage more affordable housing through local schemes
- develop effective partnerships with key stakeholders to address long-term empty properties
- maximise opportunities to make homes greener and more energy efficient.

The strategy complements the Council's Private Sector Housing Enforcement Policy³ which states, *"empty properties are tackled with the aim of addressing security, visual amenity and statutory nuisance issues and also returning them back into occupation"*.

This work supports the Council's Corporate Plan 2024–2026,⁴ and aids the Council's priority under this plan to *"work with partners to make our streets, roads, homes and public spaces safer, cleaner and greener by: tackling envirocrime, including flytipping, littering, graffiti and other nuisances, tackling anti-social behaviour and ensuring robust regulatory services, including around housing standards"*.

This work also supports the City Vision for Portsmouth by 2040,⁵ specifically contributing to the aspirations for a Healthy and Happy City, a city with a thriving economy and a green city. By encouraging homes to be greener and more energy efficient this work will also contribute to the Council's Climate Change Strategy 2030.⁶ Work to improve the thermal comfort of UK homes also supports wider national initiatives, including the Government's ambition to bring all greenhouse gas emissions to net zero by 2050.⁷

This strategy focusses on privately owned residential premises which have not been occupied for more than six months, although it is recognised within this strategy that engagement at the earliest opportunity is likely to be most effective. For the purpose of this strategy it is considered irrelevant if the property is 'substantially unfurnished' as per the definition provided for by Council Tax categorisation, as the issues which arise from the property being empty are largely unaffected by the level of internal furnishing.

For the purpose of this strategy an empty private residential property is defined as having the following characteristics:

The dwelling is wholly unoccupied. If owners are returning on an ad-hoc basis to the property it may be that this strategy could still apply with regard to enforcement action on environmental issues, and the Council will continue to want the property to be 'properly' brought back to use as a dwelling.

Long-term empty homes (LEHs) are substantially unfurnished homes, liable for Council Tax, that have been wholly unoccupied for more than six months. This is the official definition used by the government to record the number of long-term empty homes.

However, many of these properties are only empty for a short period, for instance between lets, or during a period of refurbishment. This can also include homes that are empty for a 'legitimate' reason (and therefore exempt from Council

Tax) such as the homeowner going to prison or being taken into care, or homes in which the owner has recently died, and the property is held in probate awaiting transfer to a beneficiary. This strategy focuses on long term empty properties because other categories of homes that are only empty for short periods are not as meaningfully underutilised as those that are empty for long periods, and intervention by the City Council is typically not required.

Privately owned residential dwellings

There may be justifiable reasons for a property to be empty, as defined by the Council Tax legislation:

- Property undergoing major refurbishments.
- Person liable is in prison.
- Person liable is in a care home or hospital.
- Property is a deceased estate and is awaiting probate.
- Property prohibited by law.
- Person liable receiving care but not in a care home/hospital.
- Person liable giving care elsewhere.
- Property repossessed.
- Property left empty by bankrupt trustee.
- This strategy will not include properties which are on the market for sale / going through the sale process.



Although the above reasons are justifiable, the Council would still provide support or engagement with relevant owners in the above circumstances if they wish to engage to bring the property back into use.

This strategy does not apply to:

Commercial properties

The Housing Act 2004 very clearly defines that it applies to “make provision about housing conditions, to regulate houses in multiple occupation and certain other residential accommodation” The Empty Dwelling Management Order (EDMO) legislation can be found under section 133 of the Housing Act 2004 and only applies to residential properties. This is also the case with Compulsory Purchase Order under Section 17 of the Housing Act 1984. This power is to be applied to the acquisition of a house or land for the purpose of providing housing. It is important to note that there are other provisions available under Compulsory Purchase Orders to carry out the function of acquiring commercial buildings for housing use.

Social Housing

The purpose of social landlords is to provide housing for people to live in, and therefore will be actively managing void properties to fill, renovate or sell them. To date no evidence has been seen of social landlords deliberately keeping properties void with no plans to do one of the options mentioned. If this were to change then this strategy would need to be reviewed.

Why do properties become empty?

Properties can become and stay vacant for various reasons, including:

- The property's poor condition makes it hard to sell or rent.
- It is undergoing renovation, or the owner has future plans for refurbishment or development.
- The owner lacks the necessary time, funds, skills, or capacity to manage the property.
- The previous owner has passed away, and the property is stuck in a lengthy probate process.
- The owner is receiving care, has moved to a care home, or is hospitalised.
- The property has been abandoned, and the owner cannot be located.
- The property is part of a speculative investment (land banking) and intentionally left empty.
- Inherited property where the beneficiary has not yet decided what to do.
- The property is tied to a business, and the owner does not want to rent or sell.
- Situations where one partner moves in with the other, leaving a second property unoccupied.
- Older homeowners who have moved into alternative housing or care facilities but choose not to sell their property, leaving it empty either temporarily or long-term.

For the Council to provide appropriate assistance and support, it is important to understand the specific reasons why properties become or remain empty, as well as the owner's circumstances and intentions. Tackling the issue of empty homes is often a complicated process, as each situation is unique, depending on the property and the owner's specific circumstances. It can be particularly challenging when working with empty property owners with trauma associated with the property, health issues, or care or capacity needs. By building upon existing partnerships with social care or the voluntary sector for example, this additional support along with early intervention could contribute to more timely turn around of empty properties.

Benefits of bringing empty homes back into use

The advantages of bringing long-term empty properties back into use span several areas, including public health, housing supply, and community regeneration. This can positively impact the owners, the neighbours and the wider community. Leaving a property empty can cost the owner thousands of pounds per year in lost rental income, increased Council Tax and insurance costs, as well as depreciation, or any repairs that may be required. As well as being a financial burden to the owner and depriving much needed housing from the market, there are other reasons that bringing long-term empty properties back into use can have a positive effect, such as:

- enhancing the appearance of the local area, which may boost surrounding property values and show how even a single property can impact the neighbourhood when returned to productive use
- promoting investment and encouraging further improvements to the housing stock
- addressing impacts on neighbouring residents who may experience issues from adjacent empty homes
- minimising the need for emergency or enforcement interventions by local authorities and emergency services
- encouraging the best use of the existing local housing stock, maximising available housing.

Returning empty homes to active use can help to contribute to the local housing supply, although in only a relatively small scale contribution to the overall supply requirements. To give this context, there are over 2,800 households on Portsmouth Council's housing register (as of February 2025) compared with approximately 950 known long term empty properties. The Council receive over 2,500 homeless applications per year. The availability of suitable accommodation in the city is a key factor related to levels of homelessness in the city and the length of time people have to live in temporary accommodation. Although the number of empty properties in the city is far lower than the demand placed on the housing waiting list, even a small contribution to improving housing supply in the city would have a positive impact.

Impacts of empty homes

On average the Council receives approximately 40 complaints regarding empty properties each year. The issues residents report to the Council vary, however they often relate to poor property conditions affecting their homes, overgrown gardens, loss of housing locally, and concern regarding the impact on property values. Such properties may require the Council's Private Sector Housing team to step in, consuming valuable time and resources. It is not illegal to own an empty home, however the issues they can bring may lead to public health concerns.

For the community, the presence of an empty home can cause concern. In some cases, where the condition of these homes is poor or the property is unsecured, local residents may worry about the possibility of these homes attracting crime or other unwanted behaviours or affecting the saleability or value of their home.

Empty homes can also have a detrimental impact on the local amenity, and where homes are left in a poor state of

repair, this may give the appearance of an area falling into decline. Commonly known as 'broken window' theory,⁸ it is widely accepted that areas which appear to be neglected attract other societal issues including crime and anti-social behaviour, and signal to people a lack of community and care.

For property owners, leaving a home empty can become an expensive and stressful situation. If an unoccupied house falls into disrepair, it can lead to high repair costs. Even without major incidents, basic costs such as upkeep, insurance premiums, Council Tax, utility bills, and mortgage payments can build up, turning the property into a financial burden. Selling or renting the home would not only relieve the owner of these costs but could also generate income from rent or a profitable sale.

Empty homes can leave the owner up to **£26,289.65** out of pocket each year based on a typical rental model.

Charges and lost income from an empty property include the below:

Cost	Details
£7,523.51	Council Tax The average Council Tax charge in Portsmouth is £2,507.84 per year (2024/25),⁹ however empty homes can attract a premium of up to 300% if left empty for 10 years or more, giving a total Council Tax bill of £7,523.52.
£18,036	Lost rental income Average rent in Portsmouth in February 2025 is £1,503 per calendar month,¹⁰ giving a potential rental income of £18,036 per year.
£300	Insurance premium The average price paid for building insurance in 2024 was approximately £300 per year,¹¹ however empty properties may attract a higher premium compared to the average.
£430.14	Utilities charges The average standing charge cap in 2024/25 was approximately £0.61 per day for gas and £0.32 per day for electricity.¹² Average annual standing charges for water service in 2024/25 were £90.69 per year.¹³ Together this adds up to £430.14 per year in utility charges for an empty home with no usage.

Other costs and issues to consider include:

- damage caused through lack of maintenance
- risk of burst water pipes during winter
- garden maintenance and the potential removal of fly tipping
- risk of damage to windows or doors through vandalism.

There is an environmental cost to leaving homes vacant. Portsmouth is a densely populated island city with limited space for building new homes, therefore reusing existing vacant properties is an effective way to increase housing availability.

Housing need, temporary accommodation and homelessness

On a national level there are 1.3 million households on a social housing waiting list, and around 261,000 long term empty homes. Locally, there are over 2,800 households on our housing waiting list (as of February 2025).

The table below outlines the category of housing need, along with an explanation regarding what each categories means:

Category of Priority	Number of households
Exceptional Priority	21
Urgent Priority including those with a forces connection or care experienced	1,370
Significant Priority including those with a forces connection or care experienced	708
Recognised Priority including those with a forces connection or care experienced	801

Priority banding descriptions can be found in the Housing Allocation Policy.¹⁴

Single persons and couples make up 31% of households on the waiting list, with the average person aged 54. Whereas 69% of waiting list households are families, with the average parent age of 40. These demographics evidence the need for more family homes in Portsmouth.

Because of the nationwide homelessness crisis, the Council continues to face pressures surrounding temporary accommodation to support those with a housing need.

As of October 2024, the number of people in temporary accommodation has gone up by 54% compared to the previous year, to more than 500, and costs for temporary accommodation have risen by 84%.¹⁵

On average, waiting times for those living in temporary accommodation, waiting to be permanently housed, is around 225 days. All types of property are in high demand, however the impact in temporary accommodation is felt most by families, due to the shortage of larger dwellings available to support temporary accommodation. The Council experiences high demand from residents who are

overcrowded in their current home, and in need of a larger property. Therefore, increasing the supply of three- and four-bedroom dwellings will likely have the biggest impact in alleviating this pressure, and may increase the supply of one- and two-bedroom properties currently overcrowded. According to local Council Tax data, approximately 75% of all empty properties in the city are banded A or B, indicating that the majority of empty homes are typically of lower property value and likely smaller one- and two-bedroom dwellings. This is roughly the same for properties that have been empty for two years or more.

Empty homes reduce the supply of housing locally and are a wasted use of valuable resource. This strategy recognises that bringing empty properties back into use can, at least on a small scale, contribute to the shortage of housing supply in Portsmouth. Existing initiatives led by the Council support the need for affordable housing in Portsmouth, including schemes that offer top ups in rents received to landlords, or to lease privately owned properties, to incentivise properties being used as affordable housing for tenants.

The national and local context of empty homes

Reliability of data

National data regarding empty properties comes from local Council Tax departments, who are required to report on empty properties within their locality on an annual basis to central government. It is widely accepted that data on empty homes¹⁶ is underestimated as there is little incentive for an owner to proactively notify the local authority that their property is empty. Council Tax premiums may disincentivise an owner to declare their property as an empty property or may result in them reporting it as a 'second home' which has until recently attracted less of a premium in most areas of the country.

Providing a snapshot of all Council Tax data, Councils are required to complete their annual Council taxbase submission to Government by providing information on all dwellings, bands, exemptions, and discounts. Of the practitioners surveyed by the Local Government Association, only 7% of respondents found the Council taxbase submission to be always accurate for their Council, with a combined 51% of respondents stating that they sometimes or often found the data to be accurate. 23% of the practitioners surveyed did not know if their Council figures were accurate or not.¹⁷

National and regional picture

National data is available up to 2023. This data shows the number of empty properties has been steadily increasing over the last five years, both nationally and (less so) within the Southeast region. As a percentage, between 2018-2023 the number of empty properties nationally has increased by 22.8%, in the Southeast region, this figure is slightly lower at 20.1%,¹⁸ compared with an increase of housing stock by 5.3%. For Portsmouth, although the number of long-term empty properties has decreased in the last 12 months, they are 1.2% higher overall than they were five years ago.

There are many reasons the number of empty properties nationally continue to rise; the increased cost to renovate properties due to increasing labour and material costs, delays in planning permission, property sales transactions taking longer to complete, and delays in the probate administration process.

Proposed new legislation for private tenancies (Renters Rights Bill) may influence property owners deciding to let a property, such as the proposed abolition of so-called 'no-fault eviction' section 21 notices, as well as increased responsibilities for landlords. The potential impacts of this are unknown.

The number of property transactions have slowed¹⁹ since the post-covid peak during 2021 as the country has seen mortgage rates increase and a wider cost of living crisis. Property owners may be more inclined to hold on to their assets as the value of these appreciates at a faster rate than cash interest in bank accounts, regardless of the condition of the property.

Number of long term (six months or more) empty properties national vs south east

Region	October 2018	October 2019	October 2020	October 2021	October 2022	October 2023
National	216,186	225,845	268,385	237,340	248,149	261,474
South East	27,743	29,562	35,818	31,070	31,869	34,081

As of October 2024, Council Tax records show there are 950 long-term empty homes in Portsmouth (having been vacant for six months or more). These long-term empty properties account for approximately 1% of the total housing stock in Portsmouth, based on 94,111 properties in Portsmouth banded for Council Tax by the Valuation Office Agency (VOA). The number of properties in Portsmouth empty for two years or more is approximately 280.

The Council is committed to engaging with all empty property owners to encourage them to be brought back into use.

Some empty properties included within these figures will be beyond the scope of the Council's intervention, such as where the reason for these being empty removes them from any legal intervention to bring them back into use, as described in Section 2.3.

A two-year period is a relevant timeframe when considering empty properties, as some of the Council's legal powers to intervene do not start until the property has been empty for this period of time in order to bring the property back into use, such as Empty Dwelling management orders or compulsory purchase orders. The Council can intervene at any time where there is an imminent risk of harm. More information on the powers available to the Council is contained in Appendix A.

Locally, the number of empty properties has seen a return to pre-pandemic levels, with an increase of only 1.2% in the last five years. As a comparison to other local authorities in the South, Brighton and Hove and Southampton have seen increases in the number of empty homes by 54% and 25% respectively over the same period.²⁰ It is unknown why Portsmouth has seen such a modest increase in comparison with neighbouring authorities.

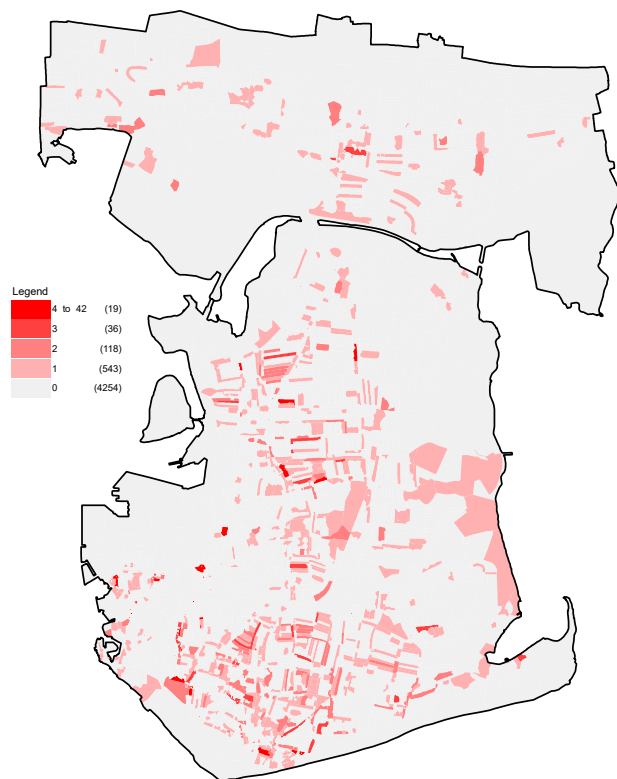
Number of long term (six months or more) empty properties south east

Region	October 2018	October 2019	October 2020	October 2021	October 2022	October 2023
Brighton and Hove	779	1,086	1,413	1,354	1,596	1,695
Portsmouth	939	976	1,155	1,208	961	948
Southampton	701	763	888	826	850	876

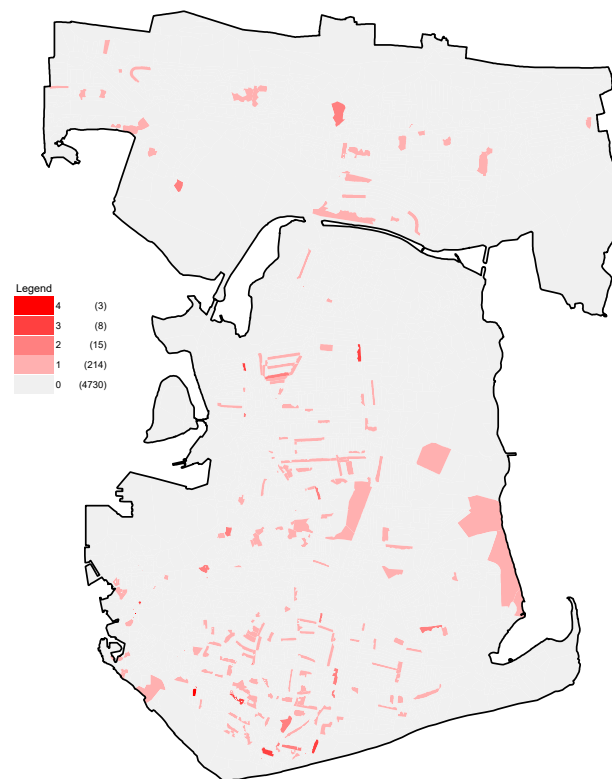
Location of empty properties

The below maps show the location of empty properties is evenly spread across the city and there are no clear trends regarding where these properties are located. It is positive that there are no specific large scale areas of empty properties in the city, which could lead to high instances of impact, or 'slum' areas in the city.

Properties empty for six months or more:



Properties empty for 2 years or more:



Current work to tackle empty homes in Portsmouth

Resourcing

Whilst the work to tackle empty properties touches several services within the Council, the work is predominantly undertaken by Housing Regulation officers within the Private Sector Housing team. Officers work reactively in response to complaints about empty properties, usually in relation to environmental impacts. They are able to carry out investigations and enforcement activity in response to empty homes, as well as administrative staff who receive, triage and carry out early informal engagement with owners of empty properties. Officers work collaboratively across Council services to utilise resources and powers within different teams depending on the unique circumstances of the case.

A dedicated webpage regarding empty homes is available via the Council's website by searching "empty private residential properties". The site contains information regarding empty homes, what help is available for owners, and how to get in touch with the Council to discuss an empty property. Further information regarding Council Tax liability for empty homes is available via the Council's website.

Data gathering

The Council currently uses a wide range of resources to gather intelligence regarding specific empty home investigations. Officers will use relevant legislative power to gather information to inform and advance our investigations. These include:

- Land registry checks
- Council Tax searches
- Companies House searches
- Tracing agents
- Powers to request documentation under s.235 Housing Act 2004
- Powers to request information under s.16 Local Government (Miscellaneous Provisions) Act 1976

Portsmouth City Councils Private Sector Housing Enforcement Policy provides a full and detailed view of the enforcement powers typically relied upon.²¹ Appendix A of this strategy outlines the Council's enforcement powers specific to tackling empty homes. Officers may obtain information proactively regarding registered long-term empty homes in Portsmouth via Council Tax records, however, currently interventions with empty properties are typically undertaken on a reactive basis, in response to reports of issues. Through this strategy it is recognised that a more proactive approach, reviewing and maintaining data on empty properties, and prioritising interventions is required in order to positively reduce the number of empty properties in the city.

Informal and formal interventions

The Council recognises that in some circumstances owning an empty home can be a daunting and stressful situation and will continue to offer support and information to assist owners in bringing their properties back into use. This must include working with key stakeholders to support in such circumstances, strengthening existing links to services such as social care and the voluntary sector.

The Council will tailor its approach in intervening with an empty home depending on the circumstances of the case. For example, in most situations where an empty property presents a serious or imminent safety risk to the public, formal steps may be taken first to ensure any risk is swiftly dealt with. However, in most cases the Council will typically adopt an informal approach in the first instance and will seek to engage and support proactively with the property owner.

Informal engagement

Officers will usually reach out to property owners through letters, designed to highlight the benefits of bringing the home back into use, explain the Council's involvement, and outline possible options. The communications begin with informal advice and gradually escalate in seriousness where appropriate, ultimately leading to a final warning about potential enforcement action if the property remains unused. In many instances, these letters are effective in initiating engagement from the owner without the need for enforcement action. Where letters do not encourage engagement from owners, officers will conduct in-person visits to better establish the issues with the property. If this method fails, it helps build a strong foundation for enforcement action if this becomes necessary. Where owners do engage with the Council, Officers will work to understand the owner's plans for the property and their

personal circumstances. This step enables the Council to offer relevant support. The Council's primary goal is to offer advice and assistance whenever possible. This can include guidance on sales, lettings, tenant searches, health and safety requirements, and energy efficiency.

Additionally, the Council can provide a 'Reduced VAT' letter for owners refurbishing properties that have been empty for more than two years. This letter allows owners to reduce their VAT liability on certain refurbishment costs from 20% to 5%, and for properties that have been vacant for over 10 years, to a 0% rate. The Council helps verify the property's eligibility by checking Council Tax records or drawing on their previous knowledge and involvement with the property.

Escalation to enforcement

If engagement fails, the Council will consider all available enforcement options (as detailed within Appendix A of this strategy). This includes addressing dangerous conditions or pursuing more stringent enforcement measures, which could ultimately lead to the property being taken out of the owner's

possession. Although enforcement is always considered a last resort, the possibility is kept in mind throughout the process, ensuring a robust case is built from the first engagement with the property owner.

Examples of when these enforcement powers may be used:

Problem/concern:

Dangerous or dilapidated buildings or structures.

Legislation:

- Building Act 1984 (s77 & s78).

Statutory Power:

To require the owner to make the property safe (section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78).

Problem/concern:

Dangerous or dilapidated buildings or structures.

Legislation:

- Housing Act 2004 (part 1).

Statutory Power:

Under the Housing Health and Safety Rating System, local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action.

Problem/concern:

Dangerous or dilapidated buildings or structures.

Legislation:

- Building Act 1984 (s79).

Statutory Power:

To require the owner to repair ruinous or dilapidated buildings seriously detrimental to an area.

Problem/concern:

Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar).

Legislation:

- Building Act 1984, s78 Local government (Miscellaneous Provisions) Act 1982, s29.

Statutory Power:

To allow the Local Authority to fence off the property. To require the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.

Problem/concern:

Blocked or defective drainage or private sewers.

Legislation:

- Local Government (Miscellaneous Provisions) Act 1976 s35.
- Buildings Act 1984 s59.

Statutory Power:

To require the owner to address blocked or defective drainage.

Problem/concern:

Blocked or defective drainage or private sewers.

Legislation:

- Public Health Act 1961 s17.

Statutory Power:

To require the owner to address defective drainage or private sewers.

Problem/concern:

Unightly land and property affecting the amenity of an area.

Legislation:

- Public Health Act 1961 s34 (as above).

Statutory Power:

To require the owner to remove waste from the property (see above).

Problem/concern:

Unightly land and property affecting the amenity of an area.

Legislation:

- Town and Country Planning Act 1990 s215.

Statutory Power:

To require the owner to address unsightly land or the external appearance of a property.

Problem/concern:

Unightly land and property affecting the amenity of an area.

Legislation:

- Building Act 1984 s79.

Statutory Power:

To require the owner to address unsightly land or the external appearance of a property.

Problem/concern:

Recovery of debts against a property.

Legislation:

- Law of Property Act 1925 s101 & s103.

Statutory Power:

To apply for an order of sale of the property to recover council debts secured as a legal charge after work in default carried out.

Problem/concern:

Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people's health).

Legislation:

- Public Health act 1961 s34.
- Prevention of Damage by Pests Act s4.
- Environmental Protection Act 1990 s80.
- Building Act 1984 s76.

Statutory Power:

To require the owner to remove waste so that vermin is not attracted to the site, destroy any infestation and remove any accumulations prejudicial to health.

Problem/concern:

Properties empty for over two years and causing nuisance in the community.

Legislation:

- Housing Act 2004 s133 & s183.

Statutory Power:

To apply for an Empty Dwelling Management Order (EDMO) to enable the local authority to take over the management of eligible empty properties, to bring them back into use.

Problem/concern:

Long-term empty properties with no traceable owners, or where all efforts to return the property to use have been exhausted.

Legislation:

- Housing act 1985 s17.

Statutory Power:

To seek to acquire a property under a Compulsory Purchase Order (CPO).

Summary of investigations from 2019–2024

Since the introduction of the Council's Empty Private Residential Property Strategy in 2019, the Council's Private Sector Housing team have opened over 300 investigations into potentially long-term empty dwellings across the city. The vast majority of these have been resolved and closed, however this is not always because the property has been brought back into use. Some cases have required formal enforcement action from the Council, including carrying out work to make a property safe, applying for an order to seek control of the property (Empty Dwelling Management Order), and enforcing the sale of a property to recover debt owed to the local authority and bring the property back into use.

Year	Number of cases opened
2019	115
2020	17
2021	51
2022	50
2023	39
2024	38
Grand Total	310

Year	Number of cases closed
2019	45
2020	27
2021	110
2022	58
2023	43
2024	53
Grand Total	336

Empty property cases average end to end time (calendar days)

Year	Average end to end time (Days)
2019	360
2020	224
2021	520
2022	158
2023	223
2024	356

The range of end-to-end times from cases being opened to cases being closed is significant, with some cases being resolved within days and others taking years. For example in one case an enforced sale took several years to close.

Intervention	Number
Cases investigated leading to properties being privately sold	30
Cases investigated leading to properties being re-occupied by the owner or a family member	7
Cases investigated leading to properties being privately let	6
Cases investigated and properties found not empty	67
Cases investigated and properties found to be a commercial dwelling (beyond scope of strategy)	13
Cases requiring enforcement action	5
Cases investigated and closed due to property being exempt* (see note on next page)	77
Letters sent to suspected empty property owners seeking information and offering advice and support.	236

*Upon further investigation the property was found to be empty for legitimate reasons, excluding further intervention from the Council. Examples within cases investigated during the previous strategy include:

- Property is a second home and not "empty".
- Property was subject to criminal proceedings.
- Property owner working with PCC leasing scheme.
- Property is being sold.
- Property owner is receiving or giving care elsewhere.
- Property is undergoing major refurbishments.
- Property is being developed into an HMO.
- Enforcement action is being taken by Council Tax to enforce sale.
- Heir hunters have contacted the Council regarding work to identify a beneficiary following a death.
- Property is going through probate.
- Property is owned by a Housing Association with plans to bring into use.
- Owner is living abroad and relatives use the property intermittently.

Approximately 236 letters have been sent to owners of empty properties, requesting information to help understand why the property is empty and to provide advice and support since 2019, with around 70% responding within a month giving a justifiable reason for the property being empty and requiring no further intervention from the Council. The remainder have required further communication to understand why the property is not in use.

In many circumstances, a case may be closed due to the Council having no legal power to intervene, such as where the owner has gone into care, and so therefore the Council cannot take any meaningful action to address the empty property at that time. In other circumstances the property ownership status may be unresolved or contested and therefore it may not be appropriate for the Council to become involved.

In these circumstances the property will remain registered empty for Council Tax purposes, and therefore continue to be represented within their data, however the Council are unable to intervene to bring the property back into use, beyond an informal offer of advice and support to the owner.

Learning from the previous strategy:

Through the case work undertaken under the previous strategy from 2019–2024 the following learning points have been established, which have informed this new updated strategy:

- There is a need to improve partnership working and use resources across Council departments to harness powers and capacity across the organisation, and with external stakeholders to address empty properties.
- There is scope to improve recording of cases so we can clearly capture the varied reasons behind why cases are closed, as in many cases there are legitimate reasons why the Council cannot pursue the case further or use enforcement powers. However, there may be further scope to work with the empty property owner to encourage and support the reoccupation of the property with a clear understanding of the barriers that are currently preventing this.
- The use of Empty Dwelling Management Orders (EDMO) is not necessarily effective or efficient in many cases. The associated costs of EDMOs can be prohibitively expensive (to bring into a lettable condition which may not been recovered during the period of the EDMO (factoring in repairs needed whilst the property has been let)). The evidential test and necessary procedures required to carry out an EDMO are extensive, lengthy, and often inefficient.
- There are a wide range of legislative powers that can be better used to bring empty properties back into use, for example nationally there has been an increased use of enforced sales to tackle long term empty properties.
- Some long-term empty properties have not been brought back into use, due to a legal concern surrounding their ownership, limiting what the Council can do lawfully to resolve the problem. However, in some cases there may be further scope to work with the empty property owner to encourage and support the reoccupation of the property with a clear understanding of the barriers that are currently preventing this.
- Second home status has prevented intervention in some cases, and officers are now working closer with Council Tax colleagues to challenge second home status where we suspect the properties are in fact empty. The Council Tax team led an exercise towards the end of 2024 writing to second homeowners asking them to confirm the status of the property and in some cases changed these classifications to empty properties.

The Council is currently unable to proactively contact all known empty property owners on a regular basis in Portsmouth, as identified through local Council Tax data, and remain in contact with those owners to understand their intentions with the property and conduct investigations into those who fail to engage with the Council or do not take steps to bring their properties into use. The Council is not



currently resourced to undertake this work on such a large scale, and instead currently prioritises its work towards empty properties that are causing environmental or safety issues, and those properties that have remained empty for significant periods of time (such as 10 years or more).

The goal of this strategy is to review our current practice, work in a more joined up way across Council departments who have an interest in addressing the issues related to empty properties, broaden the way the Council works with external partners such as developers and genealogist firms, better understand the empty property market in Portsmouth so we stay up to date with changes, and review the level of resource needed to do more to bring empty homes back into use. The Council's aim is to proactively intervene at the earliest opportunity after a property becomes empty, to reduce the number of properties that become empty long-term, and the issues associated with this.

Strategic priorities

Tackling long term empty properties in Portsmouth will contribute to a number of the Council's commitments in the Corporate Plan 2024–2026

1 Safe, clean, and green city

Work with partners to make our streets, roads, homes and public spaces safer, cleaner and greener. Bringing Empty Homes back into use contributes to this priority.

2 Welcoming and inclusive city

Ensure the city is a welcoming, vibrant and inclusive place in which to live, work and visit. Empty homes can attract nuisances of their own from damage, fly tipping, waste to name a few. Reducing empty homes can reduce these associated problems and make the communities a nicer place to live.

3 Supporting residents in need

Make sure that when people need additional help to live their lives, it is there for them. In tackling empty properties, through this strategy we recognise that in some cases this may be an opportunity to create homes for people who are currently facing difficult personal circumstances.

4 Protecting our environment

Protect and enhance the natural and built environment of the city. Long term empty properties can fall into disrepair, causing environmental impacts. Tackling this directly contributes to this priority.

5 Strengthening the city economy

Strengthen the city economy, creating jobs and opportunities for residents. We will seek to encourage owners to use local businesses, local groups and business. By encouraging empty properties to become homes again, we can allow individuals to flourish and, in some cases we may be able to facilitate the use of this accommodation for individuals that otherwise may have been homeless. This strategy recognises and encourages community wealth building and we are proud of this approach.

6 Speak up for our city

Speak up for our city, champion and celebrate Portsmouth. By working effectively with our partners to tackle empty properties we can achieve wider city objectives.

7 Effective and efficient organisation

Make the best use of taxpayers' money to deliver improvements now and build long-term resilience for the future. Formation of an Empty Property working group will help to ensure that empty properties are dealt with as efficiently as possible, utilising the resources available across the Council and wider partners.

Strategy action plan 2025–2030

Strategic approach

It is not illegal for a property owner to have an empty property, and it is the property owners right under English law to absolute ownership. The Council is limited in what it can do, but it does have a key role in bringing about positive change for our communities. The Council not only have an interest in housing stock from the perspective of meeting demand for affordable housing, but also in ensuring communities are places people are proud to live in. The Council needs to work with owners of empty homes and our wider partners to take all available opportunities to help tackle long-term empty properties in the city, and where possible to try to encourage owners to bring properties back into use before they become long-term empty.

We aim to tackle empty homes, and deliver our overall strategic aims, by adhering to the following principles:

- Identify and engage with empty property owners at the earliest opportunity, where possible before they become long-term empty.
- Work with owners of long-term empty properties to bring them back into use.
- Improve our neighbourhoods by addressing long-term empty homes that are causing environmental issues.
- Educate, providing advice and information to help raise awareness of long-term empty properties.
- Develop effective partnerships with key stakeholders to address long-term empty properties.
- Maximise opportunities to make homes greener and more energy efficient.
- Increase the number of homes coming back into use, and where possible to encourage them to be affordable homes.

Advice and support

Owners of empty private properties need to be able to access advice and support on how they can bring their property back into full use. The Council will provide advice and support to all residents regarding empty properties through its website and other marketing activity, including how to report an empty property. Owners will be given advice regarding how they can sell or rent their property, and local schemes that can help deal with the issues they are facing to bring their property back into use.

Ensuring owners of empty private properties are aware of the options available to them is an important first step in encouraging and enabling property owners to bring their properties back into use. The Council will proactively contact owners of properties that have been empty for six months or more. This communication will provide owners with helpful information and advice on how they can bring their properties back into use and what support is available to help them do this. This letter will also signpost owners towards helpful resources to address some of the common barriers empty property owners face, such as required renovations.

Portsmouth City Council offers assistance to help let empty properties through the in-house Private Rental Scheme. This scheme offers significant benefits to owners in return for the homes being made available for letting through the Council's scheme. In addition to this, Portsmouth City Council's Housing Asset & Valuations team are able to buy empty properties where it is financially viable to do so and where

the property fulfils the requirements of the Council's housing demand. The process is similar to that of selling a property on the open market, however, owners do not have to incur estate agents' fees or market their property. Alternatively, the Council may consider leasing a property should owners not wish to sell. All of these options are subject to the property being assessed as suitable for the needs of the Council, and financially viable.

Wherever possible, the Council will seek to inform empty property owners of the direct support available to bring homes back into use. Information regarding these schemes will be signposted to empty property owners to raise awareness and maximise uptake. The Council recognises that there will be circumstances where officers cannot intervene to bring an empty property back into use, however the Council will continue to promote information and advice for homeowners so that they understand the options available to them.

The Council's website will remain an important resource for those with empty homes. The empty homes section will be continuously updated to provide information on the available support, including guidance and options for property owners. The previous strategy led to enhancements of the website, including policy documents, support offers, and an anonymous reporting tool for vacant properties, which has proven to be effective.

Enforcement

The Council will consider all enforcement options when it is appropriate and necessary to do so, and in accordance with the Councils Private Sector Housing Enforcement Policy. The principal legislation used to deal with derelict and vacant properties is detailed in Appendix A.

The Council have a range of legal powers to address some of the issues empty properties bring. It is important to recognise that owning an empty property is not an offence, and the Council does not have a statutory duty to tackle empty properties. However, there are several pieces of legislation which place a general duty on the Council to protect public health and safety regarding some of the problems empty properties may create. The Council will consider cases on their individual merits, and where Officers identify a need through our primary legislation to resolve issues connected to an empty property, they will use the full range of powers available to do so, depending upon the circumstances of each case.

We will adopt a strategic and measured approach to the enforcement of Empty Properties. Following the offer of support and advice, where properties continue to remain empty and cause problems in the long term, enforcement actions may be considered when other interventions fail.

The options available include, but are not limited to:

Enforced Sale (Law of Property Act 1925)

The use of enforcement actions on empty properties can result in the gradual build-up of debt if works are completed by the Council (in default of the owner failing to comply with the enforcement notice). Where a reasonable charge has been registered against the property it is possible that the Council could 'force the sale' of the property to recover that debt. This removes control of the property from the current, often neglectful owner.

Empty Dwelling Management Orders (EDMOs)

The Housing Act 2004 gives local authorities power to apply to the First-tier Property Tribunal for an interim management order which may lead to the compulsory leasing of the property for a fixed period of time.

Compulsory Purchase Order (CPO) Section 17 Housing Act 1985

Where owners cannot be located or are unwilling to bring their property back into use, the Council may consider using its compulsory purchase powers to purchase a property and then sell it on the open market, or retain it for use for Council Housing (if appropriate and financially viable) to reinstate sustainable occupation of the property. This is not a power that the Council would use lightly, and would be reserved for cases where action is necessary to address serious impacts of the property, and other interventions have failed.

Measuring the impact

The Council will gather information regarding the effectiveness of its interventions through this strategy and the volume of empty properties in Portsmouth to help guide future activity. This will include:

- the number of empty properties known to the Council
- how many properties have been brought back into use and how many the Council have undertaken some form of intervention in (and the type of intervention)
- how many empty properties are reported to the Council
- what issues are reported to the Council regarding empty properties.

Partnership working

The Council will continue to use its wide network to aid its work in bringing long term empty homes back into use and address the issues empty homes can bring. The Council, through its Private Sector Housing team, are members of the Empty Homes Network,²² who are external partners that aim to support local authorities in their work to bring empty properties back into use for housing.

Work to address empty homes touches several services within the Council, and therefore this strategy interacts with several teams across the Council. There is a high demand for affordable housing within Portsmouth and an increasing number of people who ask the Council for support with their housing needs. Through the Council's Homelessness Strategy²³ the Council outline their strategic approach to supporting people with a housing need. This strategy seeks to compliment the aims held within the Homelessness Strategy, namely, to help increase the housing provision in Portsmouth, albeit that the Council recognises that one of its deterrent powers to reduce the number of empty homes in the City is additional Council Tax premiums. The Council's Revenues & Benefits service play a role in identifying empty domestic properties, creating a financial deterrent, through the application of empty home Council Tax premiums for property owners, to discourage properties from becoming long-term empty, and to encourage long-term empty properties back into use. Since 1 April 2020 no discount is applied for empty, unfurnished properties needing or undergoing major repair to make them habitable. Full

Council Tax charge is applied for all empty and unfurnished properties in the city, including those requiring major repair.

Where a property remains unoccupied and substantially unfurnished for a period of one year or more, the City Council may charge an empty homes premium. The level of premium from the financial year beginning 1 April 2024 is:

- The premium is 100% for properties that have remained unoccupied and substantially unfurnished for a period of at least one year but less than five years.
- The premium is 200% for properties that have remained unoccupied and substantially unfurnished for a period of at least five years but less than 10 years.
- The premium is 300% for properties that have remained unoccupied and substantially unfurnished for a period of at least 10 years.

There are some circumstances where the long-term empty home premium will not be applied, as described in Section 2.3 of this strategy.

It is acknowledged however that records of empty properties held by Revenues & Benefits will only be as good as the information that is provided to them by property owners. Where there are no discounts associated with empty properties, there is a risk that property owners may not wish to declare a property as unoccupied to the Council. The Council will explore other methods of identifying empty properties in the City and will regularly review and utilise this data.



The Council's Community Safety Service can intervene in circumstances where an empty home is attracting anti-social behaviour, or creates a safety issue impacting the local area, such as creating an obstruction to a public footpath.

Officers investigating cases of empty homes will consider on a case-by-case basis whether it is appropriate to involve other services across the Council to effectively address the issues presented. Where it is more appropriate for another service to lead the Council's work to intervene in an empty property case, Officers will clearly communicate with that service and agree actions to address the problems presented.

An Empty Property working group will be set up with key stakeholders to review long term empty properties. This group will aim to:

- review case history and identify alternative approaches or action plans for intervention
- identify if any long-term empty properties may be of particular interest for meeting housing demand and agree actions accordingly
- agree criteria in which cases will be prioritised
- review measures in relation to the number of empty properties, identify which interventions are providing successful outcomes, what learning should be applied from case to case, and to track trends in empty properties across the city.

Action plan to tackle empty homes

Strategic Aim 1

Tackle the problems that empty properties cause local residents, particularly focussing upon Environmental issues.

Strategic Aim 2

Maximise the usable housing stock in the city by supporting owners of empty private properties to return them to functional homes.

Strategic Aim 3

Work in a more joined up way across Council departments who have an interest in addressing the issues related to empty properties and broaden the way the Council works with external partners.

Strategic Aim 4

Intervene at the earliest opportunity after a property becomes empty, to reduce the number of properties that become empty long-term, and the issues associated with this.

No.	Action	Strategic Aim				Target completion date
		1	2	3	4	
1	Where appropriate use legal powers available to deal with any safety or environmental health issues presented by empty homes with a focus on returning problematic and long-term empty properties back into use.	✓	✓			Ongoing action for duration of strategy.
2	Improve property standards by providing empty property owners with information and advice, including ways to improve energy efficiency.	✓			✓	Ongoing action for duration of strategy.
3	Maximise opportunities to recover debts owed to the Council relating to empty properties.	✓	✓	✓		Ongoing action for duration of strategy.
4	Create a plan to proactively target properties that have been empty for six months or more.	✓	✓	✓	✓	October 2026.

No.	Action	Strategic Aim				Target completion date
		1	2	3	4	
5	Establish an empty property working group to adopt a collaborative approach and strengthen the Council's resilience to deal with empty properties.	✓	✓	✓	✓	March 2026.
6	Empty Property working group to identify and utilise funding to bring empty homes back into use.	✓	✓	✓		Ongoing action for duration of strategy.
7	Carry out proactive communications and marketing to spread awareness of empty properties, how to report them and what support is available for owners of empty properties.	✓	✓	✓	✓	Ongoing action for duration of strategy.
8	Review the current level of resources and capacity needed to enable the Council to deal with all the work identified through this strategy.	✓	✓	✓	✓	October 2026.
9	Better understand the empty property market as it changes in Portsmouth to ensure we adapt to change and adopt best practice for bringing these into use.	✓	✓	✓	✓	Ongoing action for duration of strategy.
10	Develop an action plan for current long term empty properties, focusing on properties with the biggest environmental impact, or are long-term vacant and are in highest demand.	✓	✓	✓		October 2026.
11	Identify areas of highest housing need from the live Council Housing Register and the anticipated demand from housing needs assessments. Use this information to target resources and interventions with empty properties that will best serve local housing demand.		✓	✓	✓	Ongoing action for duration of strategy.
12	Work with external genealogist specialist and tracing firms to aid the Council's work where owners of empty properties cannot be located.	✓	✓	✓		October 2026.

Review of the strategy

Performance and progress against each of the actions within this strategy will be reviewed in conjunction with members and stakeholders.

The Strategy will be reviewed annually to ensure that any relevant changes in legislation and policies/strategies developed by the Council are reflected.

We are keen to understand the ongoing impact on our residents and our annual review will incorporate an analysis of approaches to the service. This will enable us to be responsive in tackling any emerging issues.

New actions and targets may be agreed if further changes are made to national legislation and policy.

There is anticipated to be further legislation implemented over the next couple of years to increase safety and enhance security of tenure in the private rented sector.

In reviewing its strategy this Council remains committed to embracing amended policy direction and incorporating it within updates.

Appendix A – empty property enforcement options

The enforcement options outlined below focus on actions available to the Council where enforcement is considered the most appropriate course of action. This strategy recognises that the need to enforce should be considered on a case-by-case basis (see section “informal and formal interventions”).

Council officers carrying out these actions will do so in line with the Council's Private Sector Housing Enforcement Policy.²⁴ This policy informs the public on how the Council will regulate, the objectives of regulation and the stages of regulation. Officers will also work in accordance with the Regulators Code²⁵ which compels regulators to base their activity on risk and do so in a clear and transparent way.

Town & Country Planning Act 1990, Section 215:

Under Section 215 of the Town & Country Planning Act 1990, local authorities have the power to act when the poor condition of land or buildings negatively impacts the local area. These powers are used by a number of areas of the local authority such as housing, environmental health or community protection. The purpose of this legislation is to prevent area decline, such as properties or land that has become a blight on the local area and harms the local amenity, in addition to discouraging crime and anti-social behaviour.

If the condition of a property or land is harming the amenity of its surroundings, the local authority can issue a notice to the property owner, outlining the steps that must be taken to

improve the situation and the timeframe for doing so. Should the owner fail to comply, the local authority can use powers under Section 219 to carry out the necessary cleanup work and then recover the costs from the landowner.

The decision to use Section 215 is at the discretion of the local authority, meaning they must evaluate each case based on local factors before issuing a notice. They will consider aspects such as the condition of the property, its effect on the community, and whether their intervention is justified.

The local authority must also consider if a mortgage is owing on the property, as recovery of costs does not take priority to the mortgage under these powers. In some cases, Section 215 notices may be used in conjunction with other legal tools, such as repair notices for listed buildings or notices addressing dangerous structures. Rights under the Law of Property Act 1925 apply to recover costs incurred (enforced sales).

Building Act 1984, Sections 77–79:

Where an empty home is in such a condition to be dangerous or is seriously detrimental to the amenity of the neighbourhood, provisions under the Building Act 1984 may be considered.

Sections 77 and 78 deal with dangerous buildings and emergency measures available to the local authority to address an imminent risk of harm. Section 79 addresses ruinous and dilapidated buildings and neglected sites. A notice under section 79 may require the owner to repair or restore the building or structure. If an owner fails to carry out the works required by a notice within the specified timescales

and notwithstanding appeal procedures under the Act, the local authority may carry out the work themselves and recover all reasonable expenses incurred. The local authority may recover expenses incurred in taking action under the Act, together with any interest. Until recovered, the sum can be placed as a charge on the premises and on all estates and interests in them. Rights under the Law of Property Act 1925 apply to recover costs incurred (enforced sales).

Building Act 1984, Section 59:

If an empty property has faulty drainage, such as broken rainwater goods that are impacting neighbouring properties, the Council can issue a notice requiring the owner to fix the issue. Should the owner fail to comply, the Council has the authority to either prosecute the owner or arrange for the repairs to be carried out on their behalf. The expenses for completing the work will be charged against the property and can be recovered through the enforced sale of the property if necessary.

Environmental Protection Act 1990, Section 80:

If an empty property is in severe disrepair and believed to be the source of statutory nuisance, such as a damaged roof causing damp issues for neighbouring properties, the Council can issue a notice compelling the owner to make the necessary repairs. If the owner does not comply, the Council has the option to prosecute and/or undertake the repairs themselves. The costs for these repairs will be charged to the property and can be reclaimed through an enforced sale if needed.

Prevention of Damage by Pests Act 1949, Section 4:

Applied where the condition of the property is such that it is providing or likely to provide harbourage to rodents. If a property, or a garden, provides harbourage for pests, the Council can serve a notice on the owner requiring them to remove any accumulations that provide this harbourage. The Council may undertake works in default where the responsible person fails to carry out the work. The cost for this work will be charged to the property and can be reclaimed through an enforced sale if needed.

Local Government (Miscellaneous Provisions) Act 1982, Section 29:

If an empty property is insecure and accessible, the Council can issue a notice to the owner, providing 48 hours' notice of their plan to secure the property. The associated costs will then be recovered from the owner as a simple contract debt in the relevant court through the typical claim procedure.

Compulsory Purchase:

Powers are available to enable the local authority (as the acquiring authority) to compulsorily acquire land, including property, in their area if they think the acquisition will facilitate development, redevelopment or improvement. Compulsory purchase orders (CPO) can be made under several pieces of legislation for a number of reasons, including the clearance of unfit housing or the acquisition of individual empty dwellings for continued housing use under the provisions of

the Housing Act 1985, development or regeneration under the Town and Country Planning Act 1990 and for local road schemes under the Highways Act 1980.

The compulsory purchase procedure requires an extensive evidential test before an order can be made, including a strong justification for acquisition outlining the Council's statement of reasons clearly explaining that the order is within the public interest. The decision to pursue a CPO must follow the Council's typical public decision-making process and contain an Equality Impact Assessment. The Council are required to give proper notification to all interested parties and neighbours and publicise its intention to carry out an order more widely within local newspaper. Parties may object to the order and submit objections to Government. Objections not dealt with will be addressed under a public inquiry. The final order is confirmed, modified or rejected by the relevant Government ministry. CPOs have several cost implications alongside them, including land/property value, severance, disturbance, home loss payments and fees.

Empty Dwelling Management Order:

Under Section 133 of the Housing Act 2004, an Empty Dwelling Management Order (EDMO) can be applied when a property has been left empty for two years or more and is a nuisance to the locality, with no intention by the owner to bring it back into use.

In such cases, the Council can apply to the First Tier (Property) Tribunal to seek an order to take over the management of the property for up to seven years, with a review conducted at the end of that period.

These orders are subject to appeals at any point and can be complex to administer. An EDMO should only be considered where a property is not in excessively bad condition and the Council must have high confidence that the cost of works to bring the property into a suitable condition for occupation can be recovered within the seven-year period. Furthermore, after the order expires, the property may revert to the same owner who initially left it vacant and in poor condition.

Several exemptions apply that may prevent the local authority from undertaking an EDMO, including where the owner is temporarily residing elsewhere, has gone into care or is taking steps to sell the property. An EDMO cannot be considered for deceased estates.

It is recognised that the cost of carrying out an EDMO has grown significantly in recent years, mostly due to significant rises in inflation relating to building materials between 2021 and 2023.²⁶ This makes it more challenging for the Council to undertake a management order on empty properties, as the costs to bring these into a lettable condition are unlikely to be recovered within the period of the order. The Council must seriously consider the appropriate use of public funds and not take action that will introduce a financial risk.

Law of Property Act 1925, Part III:

This legislation forms the basis for an enforced sale where certain debts are owed to the Council. This is an effective power to both recover the council's costs incurred through carrying out works to a property under other statutory powers and acts to bring the property back into use through the sale procedure.

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 4:

This power introduces Community Protection Notices which allows for enforcement of matters considered to be detrimental to the quality of life to those in the locality. Community Protection Notices can be used where the use of land or property gives rise to behaviour that; has a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature, and is unreasonable. These orders create an ongoing obligation to ensure the area or property remain in such a condition to not give rise to anti-social behaviour.

Public Health Act 1961 Section 34:

Deals with the removal of waste from property or land. Section 34 allows local authorities to serve notice on an owner to remove accumulations of rubbish on open land causing nuisance and gives local authority power to do so in default of the owner, if necessary, upon service of relevant notice. The Council will seek to recover expenses incurred through the county court as a civil debt.

Housing Act 2004 Part 1:

Provisions to address housing conditions, and subsequent enforcement of this are given under Part 1 of the act. The risk assessment framework is provided under the act and outlines the inspection methodology under the housing health and safety rating system (HHSRS) which is used to identify defects and deficiencies and determine the risk of harm to vulnerable occupants (as defined within the statutory guidance). Enforcement action in accordance with this legislation is designed to protect the health and safety of occupiers, and therefore is unlikely to be appropriate where a property is empty, apart from circumstances where this action underpins an order on the home to offer protection around the Council's costs.

Powers of entry to allow for a survey of the property to determine whether significant hazards exist in the property are provided under section 239 of the act, with entry under warrant from a justice of the peace being provided under section 240.

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