



County Durham and Darlington
Fire and Rescue Service



TACKLING EMPTY PROPERTIES

A PRACTICAL GUIDE FOR OFFICERS

Joint Working Protocol

April 2018

Revised 2021

INTRODUCTION

Understanding the problem with empty properties

Buildings need appropriate protection at all stages of their life, from construction through to eventual demolition. Although empty buildings are always at risk from various forms of criminal activity and deterioration, the risks increase if the building is left empty for any length of time.

There are over 6500 long term empty properties within County Durham. Many of these properties are empty for valid reasons such as for sale or to let, awaiting renovation or subject to probate etc. Some of these properties however have been vacant for long periods of time, have fallen into disrepair, may be unsightly and may cause neighbourhood nuisance as well as present a target for anti-social behaviour.

Apart from the loss of rental income and the cost of repairs for property owners, the presence of a vandalised building can be detrimental to the neighbourhood, often leading to further vacant properties. Areas with high numbers of empty properties have higher incidences of crime and disorder and can deter prospective buyers or tenants, creating areas of low housing demand.

The potential danger also posed by empty buildings to intruders, neighbours and the wider community must also be taken into account. In particular, children and young people are often attracted to empty buildings as an interesting and exciting playground and can easily gain access through very small gaps in the fabric of the building.

Arson, deliberate fires, vandalism, graffiti and other anti social behaviour is a common feature around empty properties and can present public safety risks, neighbourhood nuisance and increases the fear of crime, which generates regular reports to the Police, Fire and Rescue Service and Local Authority services to respond to and remedy.

Our collective aim is to ensure that problems associated with empty properties are effectively resolved in a timely manner ensuring that risks to public safety are minimised and empty properties are effectively managed by their owners.

Why we have created this protocol?

The purpose of this protocol is to establish a framework for joint working between Durham County Council (DCC), Durham Constabulary (DC) and the County Durham and Darlington Fire and Rescue Service (CDDFRS) in tackling issues associated with empty properties.

This document is intended to assist all parties in the development of a problem solving approach using their relevant powers as well as innovative solutions to protect the public and bring empty properties back into use.

Who is this protocol for?

This protocol provides practical guidance to Officers working in DCC, CDDFRS and DC and other relevant enforcement agencies.

What is the scope of the protocol?

This protocol is designed to work alongside existing policy, procedures and partnership arrangements.

The scope of this protocol primarily deals with empty properties/buildings both residential and commercial. Some of these buildings may be temporarily vacant but still seen by their owners as having a viable future, others may be long term empty properties where future is less certain.

Whilst it is not possible to highlight every type of situation in detail within this document, the guidance presented, if adopted pragmatically, will reduce public safety risks, arson and deliberate fires, anti social behaviour, neighbourhood nuisance, environmental crime and blight.

SECTION ONE The regulatory framework and our enforcement approach.

SECTION TWO Key roles and responsibilities of each partner organisation;

SECTION THREE Information and intelligence exchange

SECTION FOUR Our empty property intervention strategy.

SECTION FIVE Communications, Implementation

SECTION ONE

The Regulatory Framework

The best outcome of any enforcement approach is to ideally bring empty properties back into use or demolish the building thereby removing any risks to public safety and providing a long term sustainable solution to address community concerns.

There are a wide range of statutory duties and legislative powers available to deal with empty properties which focus primarily on removing dangers to public safety, preventing unauthorised access and / or removing defects which may be causing nuisance within the local neighbourhood.

More recent legislation has also been introduced which seeks to address wider anti-social and/or unreasonable behaviour and prevent the crime and disorder that is often centred around properties that have been abandoned, neglected and left in a ruinous and dilapidated state.

Further detail on the range of enforcement powers we can use to tackle problems associated with empty properties can be found in Annex 1

Our enforcement approach

The approach taken by individual enforcement authorities when tackling problems associated with empty properties is governed by their respective enforcement policies and they must have due regard to the legal process, ensuring that the law is enforced in a transparent, proportionate, consistent, fair and helpful manner.

The first step in our enforcement approach is to help prevent contravention of the law by raising awareness and promoting good practice. We will provide, advice guidance and support to property owners to help them meet their legal obligations without unnecessary expense or time and will maintain a focus on prevention rather than cure.

There will inevitably be situations where owners refuse to engage or meet their responsibilities and as a consequence we will need to escalate our enforcement approach. In such cases we will take firm and expedited action against those who flout the law or act irresponsibly.

Where owners cannot be traced, formal action may be the only approach available to remedy reported problems.

SECTION TWO

Identifying key roles and responsibilities for each organisation is fundamental to effective joint working practice and partners should adhere to the following principles:-

- **Accountability** – Each organisation must be accountable for its actions by ensuring that they adhere to clear and well defined responsibilities.
- **Transparency** – Each organisation should recognise each other’s responsibility and enforcement practices
- **Avoid Duplication** – Clearly defined roles and responsibilities will ensure that there is no duplication of effort and that the most relevant and appropriate powers are used to ensure effective use of resources as well as avoid potential challenge and enforcement failure.
- **Share Information** – Effective channels of communication will be established to ensure that intelligence, evidence and actions taken are shared amongst partners in accordance with established data sharing arrangements. To support these arrangements this document provides key contact information for each partner organisation.
- **Consistency** - Any departure from the agreed joint working arrangements must be exceptional, capable of justification and be fully considered by the relevant enforcement authority before taking alternative action.
- **Sustainability** – Focus on delivering sustainable solutions by effectively and efficiently targeting available resources. Costs associated with default works / enforcement interventions should be recovered by the relevant service area taking the action.
- **Outcome focussed** – working strategically with partners to achieve better regulatory outcomes for local communities.

Key Roles and Responsibilities

DURHAM COUNTY COUNCIL

Development & Housing (DH)

Planning & Development (PD) regulation / enforcement responsibilities including:-

- Planning & Development Control / consents and permissions
- Building control
- Planning enforcement
- Demolition of buildings
- Dangerous structures

Economic Development (ED)

- Business Support
- Town Centre Management

Empty Homes Team(EHT), Private Sector Initiatives, Housing Solutions

- Lead on the development and delivery of the Council's Empty Homes Strategy
- Provide advice, support and financial assistance to owners to help bring empty homes back into use.
- Maintain a record of long term empty properties within County Durham
- Share information and intelligence across partner organisations regarding problem properties / empty buildings.
- Enforced sale, Empty Dwelling Management Orders (EDMOs) and Compulsory Purchase Orders (CPO)

Community Protection Service (CP)

Public health & Private Sector Housing enforcement including:-

- Protection of buildings which are not secured against unauthorised entry or likely to become a danger to public health
- Anti-social behaviour and Community Protection
- Statutory nuisance including accumulations, odour and noise
- Repairs to private sewers, drainage and sanitary conveniences
- Removal of noxious matter
- Filthy or verminous premises
- Defective premises
- Ruinous and dilapidated buildings
- Housing Standards and disrepair of private dwellings

Environment Services (ES)

Neighbourhood Protection enforcement including:-

- Refuse and Waste Management
- Pest Control Enforcement
- Abandoned Vehicles

Corporate Property and Land (CPL)

- Compulsory purchase / acquisition of land and property
- Immediate protection of buildings (within 24 hours only)

DCC Revenues and Benefits (R&B)

- Collection of Council tax and;
- Long term empty property premium
- Charging orders / enforced sales orders for unpaid council tax / rates

DURHAM CONSTABULARY (DC)

Responsible for the prevention, detection and investigation of crime and disorder to protect the public and maintain law and order including:-

- Emergency responder to reports of crime and disorder
- Safeguarding neighbourhoods
- Anti social behaviour and community protection
- Criminal Justice and Public Order (including trespass)
- Advice and guidance on crime prevention

COUNTY DURHAM AND DARLINGTON FIRE AND RESCUE SERVICE (CDDFRS)

Responsible for delivering a range of activities to make our communities safer and stronger including:-

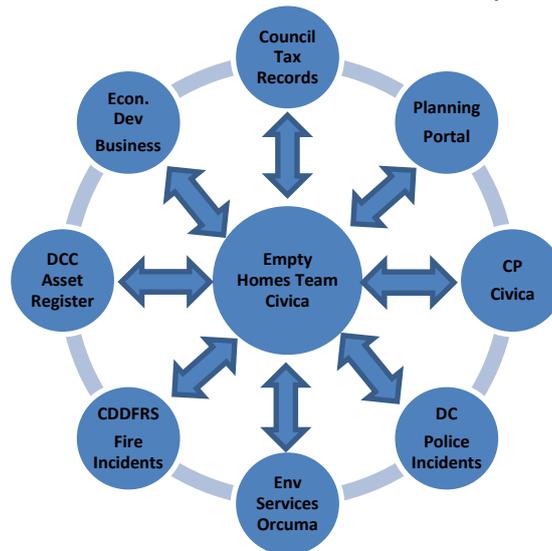
- Emergency responder to incidents of fire including extinguishing fires and protecting life and property
- Emergency responder for incidents other than fire
- Investigate incidents of arson and deliberate fires
- Promote fire safety

SECTION THREE

Information and Intelligence Exchange

Data Handling and Processing

Information concerning empty properties is received from a variety of sources and may be processed by a number of Council services and partner organisations.



As a consequence empty property data is held on a number of different databases within individual organisations as well as across the partnership as a whole. These databases have restricted access for non users and are subject to record management controls.

The Data Protection Act 2018 and Freedom of Information Act 2000 requires public authorities to control the way they handle any information about identifiable individuals to ensure that it is obtained, processed and released in a lawful way.

Under the Data Protection Act 2018 ‘relevant authorities’ such as the police, government departments and local authorities with regulatory powers are able to request access to personal data without the consent of the data subject for the purposes of:

- The prevention or detection of crime
- The apprehension or prosecution of offenders
- The assessment or collection of tax or duty

It is recognised that information exchange is essential to identify on going concerns and promote collaborative working to achieve shared outcomes. A multi-agency information sharing agreement exists for the North Region (Nov 2018) to enable information to be shared subject to consideration and agreement of a request made under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6 (1) (d).

All disclosures of information should be appropriately recorded and authorised according to each Agencies' own Data Protection policies. At the very minimum the record should indicate:

- the purpose of disclosure,
- the lawful basis for disclosure,
- why non-disclosure would prejudice the stated purpose,
- any other restrictions on use of the data.

Information exchanged between authorities/organisations via e-mail shall only take place via a secure e-mail service.

There are four ways that we will exchange information and intelligence:-

1. Routine information sharing

Empty Property Notifications

The Empty Homes Team will maintain the central empty property database for all commercial and non commercial buildings. To ensure that there is up to date information on the location of empty properties particularly where there be potential for concern, partners as well as members of the public can notify the Council directly using their web form:-

<https://www.durham.gov.uk/emptyhomes>

The Empty Homes Team analyse and monitor notifications of empty properties and categorise them as long term/short term/exemptions/social properties & deceased estates. Empty property data is also recorded by the Council for the purposes of Council tax and business rates and is shared with the Empty Homes Team on a weekly basis. Relevant details will be recorded on the Civica central database and details of problem empty properties will be shared with partner organisations on a monthly basis as part of our data sharing arrangements.

Recording of individual complaints/ incidents/requests for service

Individual organisations should record on their own databases any reports / requests for service concerning an empty property. Where possible records should include:-

- Address of the property
- Nature of report / request for service
- Date of report received
- Source of report / complainant
- Any owner details (if known)
- Action taken / outcome of investigation.

Information on empty properties will be readily shared between partner organisations upon request as part of our routine information sharing arrangements.

2. Emerging and urgent concerns (non-routine)

Emerging or urgent concerns that present a risk to public safety need to be shared more quickly than through routine channels.

Given the role and responsibilities of the three partner organisations, it is inevitable that there will be different concerns identified by the various teams / organisations which may place conflicting demands on services and their priorities.

Whilst every attempt will be made to respond to emerging and urgent concerns as soon as possible, it is for each individual organisation to determine the appropriate level of response given.

How to make a referral

It is essential when referring emerging and/or urgent concerns to the relevant enforcement service that detailed information and evidence is provided at the referral stage.

In making the referral the officer will need to decide which key contact should receive the referral depending upon the circumstances involved.

Officers should use the assessment form provided in Annex 2 to identify the main concerns with the empty property. Upon completion, the total score will give an indication of the level of risk involved and provide an indication of the appropriate key contact (details found on the reverse of the form) and the level of response that may be required.

Please note that the risk assessment is a guide only and will be used to assist the appropriate enforcement team in their investigation. Photographic evidence (if

available) would provide useful supporting evidence to the investigating officers and assist them in determining the level of action required. There are 4 levels of risk:-

Level 1 – Immediate action required (response within 24 hours)

Level 2 – High Risk (response within 1-5 days)

Level 3 – Medium Risk (response within 5-20 days)

Level 4 – Low Risk (response within 20 days)

If there is not sufficient evidence to support the existence of any immediate dangers to public health which would warrant urgent works, then the matter will be re-evaluated by the Property Helpdesk and referred to CP as requiring a level 2 response.

3. Local Liaison Arrangements and priority setting

There are 3 Local Multi Agency Problem Solving Groups (LMaps) within County Durham.

These groups have representation from Durham County Council, Durham Constabulary and DDFRS as well as other agencies and task and co-ordinate multi agency activities to tackle crime and disorder including anti-social behaviour.

To assist scanning for new and emerging priorities, those empty properties with a high incidence of reported problems /concerns will be shared with the group on a monthly basis to inform any future programmes of work.

LMaps will be specifically tasked with identifying any empty properties or specific locations within their respective areas for priority action and targeted interventions.

Priority empty properties and areas will be reported to the Safer Communities group to organise and co-ordinate multi agency actions. A list of priority properties and areas should be disseminated to key contacts within relevant partner organisations to initiate an escalated response.

4. Co-ordination of ongoing activities.

Area initiatives e.g. Community Action Team programme, and other Time Limited Projects (TLPs) involve the use of data sets for specific geographical locations to help inform priorities for their intervention programme and action planning.

As well as making empty property data available to assist in the development of these area based initiatives, it is expected that any area profiles, local data sets detailing empty property notifications and concerns, enforcement actions taken and problems solved are shared with key partners during ongoing activities as well as part of the feedback and evaluation phase at the end of each area programme.

SECTION FOUR

Our Intervention Strategy

We will adopt an early intervention strategy wherever possible which will be risk based and intelligence led to ensure that available resources are effectively targeted at the highest priority properties and priority areas.

Tackling issues associated with empty properties will require the use of a range of different interventions which will be determined on a case by case basis using the OSARA model as a guide to developing a problem solving approach.

Objective, Scanning, Analysis, Response and Assessment (OSARA)



The incidence of crime and disorder around empty properties occurs when three things happen:-

- An empty property is available.
- There is an absentee landlord / owner or occupant to prevent the crime from happening.
- A perpetrator is present.



In identifying appropriate interventions to address recurring problems, we will need to identify our objective and undertake further analysis to fully understand how and why certain crime and disorder occurs and seek to develop an appropriate response using both existing and new interventions which will influence and control one or more of the three elements of the problem solving triangle.

Escalation response for Priority Properties and Priority Areas

Where our general enforcement approach has not sufficiently addressed the risks associated with an individual or group of empty properties, they may be classified as 'priority properties' or 'priority areas' and an escalated enforcement approach may be taken. The trigger for escalation should be clear and capable of justification if alternative measures or formal enforcement action is involved.

Range of Interventions

1. Advice, Guidance and Financial Support

Whenever possible empty property owners should be encouraged to make adequate arrangements to protect their property and prevent it from becoming a target for anti-social behaviour, theft, arson and trespass.

The Occupiers' Liability Acts of 1957 and 1984 impose on property owners a duty of care to visitors and trespassers. Depending upon the circumstances of the incident, the owner may be liable for any death or injury suffered by a visitor or trespasser in an empty building.

Property owners should be advised to carry out regular checks of their empty property and consider taking the following measures:

- removing sources of ignition;
- minimise the amount of combustible materials present, both inside and outside the building;
- remove, as far as possible, any contents, fixtures or fittings which may be of value or architectural interest;
- maximise physical security on windows and doors;
- maintain existing protective equipment such as fire/intruder alarms and sprinkler systems;
- seal any letter box openings and if this is not possible regularly remove accumulations of post that may build up.
- remove graffiti and carrying out repairs to broken windows etc. on a regular and prompt basis;
- retain internal and external lighting;
- remove unused or derelict vehicles and skips from the curtilage.
- ask for assistance from neighbours to make prompt contact with them should there be any incidents

2. Financial Support:

Private landlords or prospective owner occupiers may qualify for an interest free loan, or grant to help bring a long term empty residential property in council tax band A or B back into use.

Owners of empty commercial property may also qualify for financial assistance to support business start up and development and bringing commercial property back into use.



Escalated response for priority empty properties and priority areas:

Durham Constabulary and County Durham and Darlington Fire and Rescue Service will contact property owners offering crime prevention advice and fire safety advice respectively, on protecting their property and the local community.

3. Community Protection

When responding to a complaint of anti-social behaviour consideration will be given to the impact that the behaviour is having on the lives of victims and communities.

In relation to unreasonable behaviour associated with empty properties, it should be recognised that the property owner may be a perpetrator as well as a victim of anti social behaviour.

Early intervention especially through informal approaches, in response to local concerns may often be all that is necessary to stop incidents of anti-social behaviour and protect communities.

This guidance should be read in conjunction with the Anti Social Behaviour Protocol which provides further details on escalation procedures.

The decision on type of interventions to use is often taken collaboratively between partner organisations and in the main we will use informal methods initially when dealing with young people as a means of preventing poor behaviour from escalating.

Interventions including verbal / written warnings, community resolutions, mediation acceptable behaviour and parent contract can establish clear standards of behaviour and reinforce the message that anti-social behaviour will not be tolerated.

Such interventions may be included in local action plans to deal with anti-social behaviour but should not replace formal interventions where these are the most effective means of dealing with anti-social behaviour.

Where a report or complaint is made to one organisation, the lead enforcement service should consider the potential role of other partners and engage with the wider community in finding specific interventions to address anti-social behaviour issues.

Where issues are persistent, continuing and unreasonable an informal approach is not considered appropriate and a more formal action will be taken.

Community Protection Notices (CPN) may be used to stop a person (aged 16 or over), business or organisation committing anti-social behaviour which spoils the community's quality of life.

Behaviour has to:

- have a detrimental effect on the quality of life of those in the locality;
- be of a persistent or continuing nature; and
- be unreasonable.

The Community Protection Notice (CPN) can deal with a range of anti social behaviours; can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

A written warning will be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. A CPN can then be issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.



Escalated response for priority empty properties and priority areas:

Persistent anti social behaviour surrounding priority empty properties and priority areas will be considered by LMAPS and referred to the Safer Communities strategic group to target available resources and co-ordinate local action as part of a time limited project.

4. Protection of buildings

Glazing is often the most vulnerable to breakage and often constitutes the first entry point for intruders. It can be difficult to protect glazing adequately without some external or internal secondary barrier being present, such as bars or grilles. Unless secondary measures are already fitted, boarding up is the most cost effective option.

In the event that a property becomes open to access, the owner will be given notice by the council that they will secure any accessible openings on the outside fabric of

the building within 48 hours from the date the notice was served and recover the costs in default.

Generally buildings will be boarded using a substantial, exterior grade plywood of adequate strength (at least 18mm thick) to resist attack. Alternatives to plywood are the use of close gauge wire mesh, shutters or proprietary hired in boarding security systems.

There are ways in which the visual impact of boarding up can be softened by painting or coverings which blend in with local streetscape. It is unlikely however that the cost of such applications would be recoverable as part of any default works and as such any additional costs incurred would need to be met from other sources of funding, if available.

Immediate boarding up

Where the building is likely to become a danger to public health, the council has powers to carry out any works to remove the danger.

Whilst reasonable steps should be taken to contact the property owner, a notice of intention to undertake the necessary work is not required.

The works undertaken will depend upon the circumstances and type of danger involved. Where immediate boarding up of the property is required these works should be undertaken immediately and not more than 24 hours after the referral has been made to DCC's Property Helpdesk.



Escalated response for priority empty properties and priority areas:

For properties that have been open to access and boarded up on at least 2 separate occasions in any 4 week period, Durham County Council will consider more robust methods of protection. In such cases, some doors and windows at an accessible level may be bricked up or metal shutters fitted to prevent unauthorised access. This will inevitably involve more cost and will need to be fully justified as part of legal proceedings on appeal, or for the cost recovery of any default works.

Demolition of Buildings

The condition of an empty property may be in such a state that it is deemed dangerous or ruinous and dilapidated. Whilst the owner may wish to repair or restore the building and remove any dangers, enforcement notices can be served to bring about repair or demolition of the property, if appropriate.

In cases, where immediate action is required to remove a dangerous structure, the Council where reasonably practical would give notice to the property owner before taking steps to remove the danger.

If immediate action is not required, then the Council would need to apply to the Magistrates' court for an order to execute the works.

Where dangerous buildings have an open boundary, consideration could also be given to installing perimeter fencing.

5. Repair, Restoration and Redevelopment

Enforcement action can be served on property owners to effectively bring the condition of their empty property to an acceptable standard.

These interventions range from dealing with minor repairs which cause nuisance to neighbouring properties such as drainage, roof repairs etc. to more serious disrepair which is detrimental to amenities of the neighbourhood or is a blight.

Enforcement notices can require works to rectify any defective premises or to improve the external appearance of the property within a reasonable time period. If the work is not carried out within the timescale then DCC can carry out the work in default.

Often property owners have acquired the empty property for further development and applications may have been submitted to DCC for planning and/or building regulation approval to redevelop or demolish the building.

Such proposals would bring about a longer term solution and should be encouraged. Current approvals however may specify timescales of around 3 years for the development to commence. The Council has the discretion to reduce timescales to expedite the development of the site, if appropriate.

The Planning & Assets Teams will only consider sale or disposal of Council land and property subject to relevant planning permission being granted. In addition, the Council will consider applying a pre-emption clause within the sale agreement which gives the council the right to buy back the property if development has not commenced within a 12 months of the date of sale and may exercise their right buy back the property if the development has not reached practical completion within 36 months.



Escalated response for priority empty properties and priority areas

Subject to the nature and type of planning approval sought, Durham County Council will consider applying a reduced timescale of one year from the date of consent to the commencement of development in relation permissions for 'priority properties' and 'priority areas'.

6. Enforced Sales of empty properties

Enforced sale is a procedure that enables the council to recover outstanding debts, following actions that have created a land charge against a property. Those enforcement powers which may give rise to the relevant recoverable charges works undertaken in default are detailed in Annex 1.

The procedure may ultimately be thwarted by payment of the outstanding debt but in any event use of the enforced sales procedure would focus property owners on their meeting responsibilities as well as impose a financial impact.

This procedure can be followed even where the owner cannot be traced and even where the property has changed hands – so long as the relevant debt remains.

The following criteria will be applied when considering whether to instigate the procedure: -

- The principle sum of the original work carried out in default must be sufficient to warrant the enforced sales action.
- The relevant statutory notices must have been served correctly .
- The serving officer must complete a 'Record of Service of Notice' form on service of the statutory notice.
- There should be no proposed Compulsory Purchase action intended within a 2-year period.
- The property must not be the subject of any bankruptcy action.

7. Simple Caution / Prosecution

For serious, deliberate or persistent breaches of legislation the use of simple cautions or prosecution may be considered appropriate enforcement action. Enforcement decisions will be made having regard to the Crown Prosecution Service "Code for Crown Prosecutors" and must satisfy the evidential and public interest tests. If there is no realistic prospect of conviction, a simple caution or prosecution will not be pursued.

8. Management and acquisition of empty properties

The use of enforcement powers to take over the management of an empty property and / or acquire an empty property using compulsory purchase procedures will normally only be considered as a last resort, in the absence of any other enforcement powers being effective.

SECTION FIVE

Communications, implementation and review of the protocol

Effective communications are essential to good partnership working.

Key Contact Information

Key contact information for each partner organisation is provided in Annex 3.

It is the responsibility of each organisation to ensure that their key contact information is kept up to date and available to all partners to assist notification and referral of empty property concerns.

It is intended that an electronic version of this document be made available to partner organisations and will be subject to version control.

Press and publications

All partner organisations should share in advance any press or public communications where there is a potential for further media enquiries across the partnership.

A communication plan and media campaign including the use of promotional literature and advisory information will be developed to raise awareness amongst empty property owners, residents and local communities to support implementation of our multi agency approach and intervention strategy for tackling empty properties.

Implementation

The joint working protocol was implemented as from 1st April 2018 and last revised in Feb 2021

It is expected that the intervention strategy will evolve in future iterations as we work together more strategically and develop new and innovative solutions to tackle empty properties.

This Protocol may be amended at any time by agreement between the relevant parties to reflect any legislative or operational changes and will be subject to annual review.

Statutory Duties and Legal Powers

Community Protection

Sections 43 to 58 Anti-social Behaviour, Crime and Policing Act 2014

This power is used to tackle a wide range of issues that have a negative impact on the quality of life of the community.

Local councils have traditionally taken the lead in dealing with the sort of issues that can be addressed through the use of Community Protection Notices, but the police are also able to issue these Notices, as are social landlords (where they have been designated to do so by the relevant local authority).

Use of community protection notices is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible. The notice will direct the individual, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.

Enforcement Lead by Environment Services, DCC **and** Durham Constabulary.

Unightly Property and Land

Section 215 of the Town and Country Planning Act 1990

A notice can be served under this act where the appearance of a property or land is causing significant blight to an area and loss of amenity, such as overgrown and untidy gardens, or untidy run down buildings. The scope of works that can be required in s215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting. Again if the works are not carried out the Council may carry out the works in default. All costs associated with doing the work will be registered against the property, recoverable through enforced sale of the property.

Enforcement lead by Development & Housing , DCC

Protection of Buildings

Section 29 of the Local Government (Miscellaneous Provisions) Act 1982

The local authority may undertake any works necessary to prevent unauthorised entry if the works are immediately necessary to prevent it becoming a danger to public health.

Enforcement lead by Corporate Property & Land

Section 29 of the Local Government (Miscellaneous Provisions) Act 1982

If an empty property is insecure and open to access, the Council can serve a notice on the owner giving them 48 hours notice of the Council's intention to carry out works in default to secure the property. The cost of this would then be reclaimed from the property owner.

Enforcement lead by Community Protection Service, DCC

Sections 77 of the Building Act 1984

Enables the council to deal with buildings that it considers to be dangerous. It can apply to a Magistrates' Court for an order requiring the owner to make the building safe or demolish it.

Enforcement lead by Building Control Service, Development & Housing DCC

Sections 78 of the Building Act 1984

Allows the council to deal with buildings that pose an immediate danger. This emergency measure allows the local authority to carry out remedial works itself without giving the opportunity to deal with it himself. The Council is only entitled to carry out works that remove the danger.

Enforcement lead by Building Control Service, Development & Housing DCC

Sections 79 of the Building Act 1984

If a building is considered to be ruinous and dilapidated and seriously detrimental to the amenities of the neighbourhood the Council can serve a notice on the owner requiring them to demolish or repair the building within a set timescale. If the works are not carried out the Council may carry out the works in default. The cost of this would then be reclaimed from the property owner or costs may be registered against the property, recoverable through enforced sale of the property.

Enforcement lead by Community Protection Service, DCC

Neighbourhood Nuisance

Section 59 of the Building Act 1984

If the empty property has defective drainage, for example gutters, which are affecting the neighbouring properties, the Council can serve a notice requiring the owner to repair them. If the notice is not complied with the Council can prosecute the owner and/or carry out the works in default. The cost of this would then be reclaimed from the property owner or costs may be registered against the property, recoverable through enforced sale of the property.

Enforcement lead by Community Protection Service, DCC

Section 79 of the Public Health Act 1936

The Council can serve a notice on the owner to remove noxious accumulations. It allows 24 hours notice of the Council's intention to carry out the work and recharge the debt to the owner. All costs associated with doing the work will be registered against the property, recoverable through enforced sale of the property.

Enforcement lead by Community Protection Service, DCC **and** Environment Services (Neighbourhood Warden services)

Section 83 of the Public Health Act 1936

Filthy or verminous premises are properties that are considered verminous or in such a filthy condition as to be prejudicial to health. This would not include premises which are merely unsightly, untidy or in a bad state of repair. The Council can serve a statutory notice requiring the property to be cleansed and all rubbish and filthy articles removed. Failure to comply with the notice may result in the Council executing the work specified in the notice and recovering the costs from the property owner.

Enforcement lead by Community Protection Service, DCC

Section 79-80 Environmental Protection Act 1990

Where a premise is in such a state as to be prejudicial to health or a nuisance the local authority can serve notice requiring steps or works to be undertaken to abate the nuisance or make it safe. Failure to comply with the notice may lead to criminal prosecution and conviction for failure to comply with an Abatement Notice.

Enforcement lead by Community Protection Service, DCC

Pest Control

Section 4 and 6 Prevention of the Damage by Pests Act 1949

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.

Enforcement lead by Environment Services, DCC

Management and Acquisition of Empty Properties

Empty Dwelling Management Orders

The Housing Act 2004 made provision for local authorities to apply to the residential property tribunal for an empty dwelling management order (EDMO) for properties that have been empty for a period of two years or more

Enforcement lead by Empty Homes Team, Development & Housing, DCC

Enforced Sale Procedure

Under the Law of Property Act 1925, if there is a debt registered against a property, in favour of the Council, the Council can enforce the sale of the property in order to recoup the outstanding debt.

When using enforcement action, if the statute under which default works were carried out allows a charge to be placed on all estates and interests in the property, then the enforced sales procedures can be used to recover the debt owed.

If the statutory powers under which the debt has arisen do not confer the above-mentioned rights, then it will be necessary to consider whether Section 7 of the Local Land Charges Act 1975

Enforcement lead by Empty Homes Team, Development & Housing, DCC

Compulsory Purchase

Section 17 of the Housing Act 1985 gives Local Authorities have the power to compulsorily acquire buildings and land to provide housing accommodation The power can be used to bring empty private homes back into use when all other means have failed and where owners cannot be found.

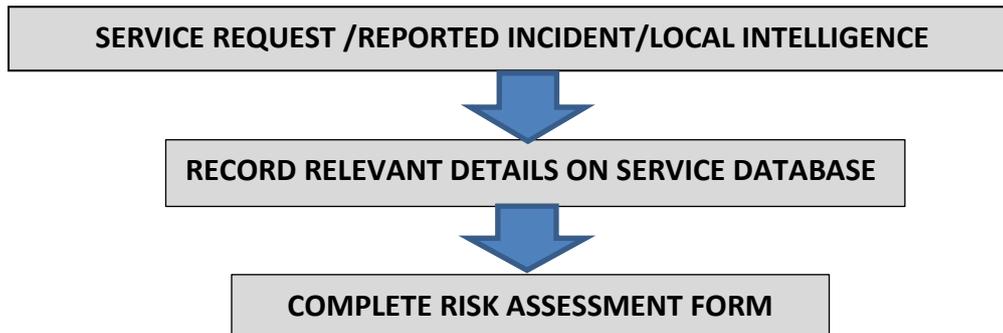
Enforcement lead by Empty Homes Team, Development & Housing, DCC

Section 226 Town and Country Planning Act 1990 as well as Highways legislation also provides powers to compulsory purchase property and land that is causing a serious nuisance or blight to an area.

Enforcement lead by Planning Services, Development & Housing, DCC

PROPERTY ADDRESS		DATE REPORTED		
		OFFICER NAME		
		DCC /DDFRS /DC / OTHER Please Specify		
Property Details (score one only)		RATE	SCORE	COMMENTS
Flat		5		
Terraced		5		
Semi Detached		5		
Detached		0		
Other please specify		0		
Occupation Details (score one only)				
Long Term Empty Property Vacant > 6 months		5		
Short Term Empty Property Vacant < 6 months		5		
Owner/Occupier Temporarily Absent		0		
LOCATION (score >1 if applicable)				
Rural /Remote location		0		
Prominent Site (Town /Village Centre / Main Road)		5		
Priority Area / Priority Property Type		10		
Neighbouring Empty Properties > 2 in close proximity		5		
NEIGHBOURHOOD IMPACT				
ACTIVELY MARKETED				
For Sale/To Let (Provide agent details)		0		
EXTERNAL DISREPAIR (score >1 if applicable)				
Ground Floor Open to Access		50		
Above Ground Floor Open to Access		10		
Ground floor other opening boarded/screened		10		
First floor other openings boarded/screened		5		
Front/Rear elevations damaged/defective windows/doors		5		
Front/Rear elevations damaged/defective roof/chimney/guttering/downcomers		0		
Front/Rear elevations structural damage visible		0		
GARDENS/YARDS (score >1 if applicable)				
Refuse/Combustibles in situ		10		
Open Boundary		5		
Overgrown (min 1m /impacting public right of way)		0		
Anti Social Behaviour (score >1 if applicable)				
Reported arson incidents		10		
Vandalism		5		
Flytipping		5		
Other please specify		5		
PUBLIC HEALTH DANGERS (score >1 if applicable)				
Recent arson incidents within last 24 hours		50		
Voids / open shafts		50		
Dangerous structures		50		
Toxic / hazardous substances/ exposed electrics / gas		50		
TOTAL SCORE		Max 350		
Other Comments				

REFERRAL OF EMPTY PROPERTY CONCERNS



REFER DETAILS INCLUDING SUPPORTING EVIDENCE TO KEY CONTACT
(IDENTIFIED FROM TOTAL RISK SCORE MATRIX BELOW)

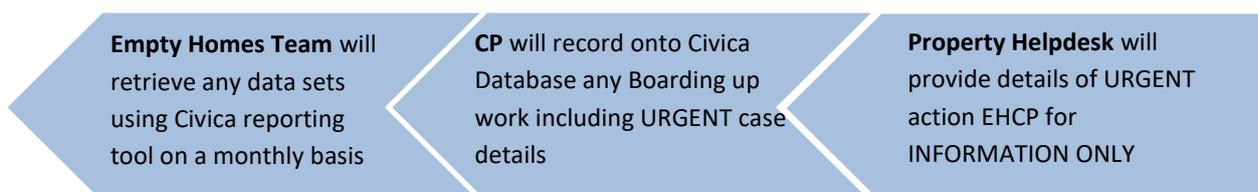
URGENT REFERRALS SHOULD BE MADE BY TELEPHONE

ALL COMPLETED RISK ASSESSMENTFORMS INCLUDING SUPPORTING EVIDENCE
SHOULD BE EMAILED TO KEY CONTACT VIA EMAIL ASAP

TOTAL RISK SCORE / KEY CONTACT INFORMATION			
0-25 (LOW)	30-45 (MED)	50- 150 (HIGH)	155+ (URGENT)
EMPTY HOMES TEAM		CP	PROPERTY HELPDESK
TEL: 03000 268000		T: 03000 260016	TEL: 03000 269112
EMAIL		EMAIL	EMAIL
privatesectorhousing@durham.go.uk		EHCP@durham.gov.uk	propertyhelpdesk@durham.gov.uk

RESPONSE (working days)			
LOW	MEDIUM	HIGH	URGENT
20+	5-20	1-5	WITHIN 24 HRS

INFORMATIONEXCHANGE



KEY CONTACT INFORMATION

County Durham and Darlington Fire and Rescue Service	
Headquarters Belmont Business Park Durham, DH1 1TW	HTTPS://WWW.DDFIRE.GOV.UK/CONTACT-FORM
	Main Tel: 0845 305 8383
Fire Safety Section	Tel: 0191 375 5675
	Email : firesafety@ddfire.gov.uk

Durham Constabulary	
Police Headquarters Aykley Heads Durham DH1 5TT	Email : durhampolice@durham.pnn.police.uk
	Main Tel: 101
Crime Prevention Advice	Tel: Rona Stocks 07855 270334, Derek Sirett 07736 084341 or Fiona Parker 07595 011500
	Email: CrimePreventionOfficers@durham.pnn.police.uk
Neighbourhood Teams	
Barnard Castle	BarnardCastle@durham.pnn.police.uk
Bishop Auckland	BishopAuckland@durham.pnn.police.uk
Chester-le-Street	chesterlestreet@durham.pnn.police.uk
Consett	Consett@durham.pnn.police.uk
Crook	Crook@durham.pnn.police.uk
Durham	Durham@durham.pnn.police.uk
Newton Aycliffe	NewtonAycliffe@durham.pnn.police.uk
Peterlee	Peterlee@durham.pnn.police.uk
Seaham	Seaham@durham.pnn.police.uk
Spennymoor	Spennymoor@durham.pnn.police.uk
Stanley	Stanley@durham.pnn.police.uk

Durham County Council	
County Hall	Main Tel: 03000 260000
Property Helpdesk	Tel: 03000 269112
	Email : propertyhelpdesk@durham.gov.uk
Neighbourhood Wardens Area Teams	NeighbourhoodWardenTeamLeaderNorth@durham.gov.uk
	NeighbourhoodWardenTeamLeaderSouth@durham.gov.uk
Economic Development (Business Support)	Email : ced@durham.gov.uk
Empty Homes Team	Tel: 03000 268000
	Email : privatesectorhousing@durham.gov.uk
Community Protection (CP)	Tel: 03000 261016
	Email : ehcp@durham.gov.uk
Development & Housing	Tel: 03000 262830
	Email : planning@durham.gov.uk
Building Control (Dangerous Structures)	Tel: 03000 262832 or 03000 262195 (out of hours)
	Email : buildingcontrol@durham.gov.uk