

Appendix 1: Empty Homes Legislation

The list below provides information about some of the legislation South Kesteven District Council may use if enforcement action is required on Empty Homes. This list is not exhaustive, and action will be taken as appropriate in accordance with relevant legislation.

Legislation	Power Granted Under Legislation
Environmental Protection Act 1990	Where a premise's condition is prejudicial to health and a statutory nuisance is identified a notice can be served, requiring the owner to mitigate or abate the nuisance. Failure to do this may result in the council carrying out the required works or prosecute the owner.
Public Health Act 1936/ 1961	The Public Health Act permits the council to require works by the owner or occupier to improve filthy, verminous and noxious conditions. If the owner or occupier fails to comply with the notice the council may themselves carry out the works and recover the expenses reasonably incurred
Prevention of Damage by Pests Act 1949	Where a premise's condition is creating a health risk due to rats and mice, a notice can be served under the Prevention of Damage by Pests Act 1949, requiring the owner to clear the land and property of vermin, and harbourage. Failure to do this may result in the council clearing the land and charging the owner.
Anti-social Behaviour, Crime and Policing Act 2014	Where a person's conduct is having a detrimental effect on the quality of life of others in the locality, a Community Protection Notice may be served, under the Anti-Social Behaviour Crime and Policing Act 2014. The use of a Community Protection Notice can ensure the owner clears and removes waste from premises including gardens, and other items such as or including vehicles from the land, and then maintains the land moving forwards.
Local Government (Miscellaneous Provisions) Act 1982	The Act allows the council to secure (board up) an insecure property to prevent unauthorised access or where the property presents a public health impact.
Housing Act 2004	The Housing Act provides a number of options for a local authority to take action to bring an empty home back into use. This may include Improvement Notices and Empty Dwelling Management Orders (EDMO)
Housing Act 1985	This Act gives us the power to take over land, houses or other properties to increase the number of houses available or improve the quality of the housing stock. The main uses of this power are to get land for housing. This includes bringing empty properties back into use and improving substandard ones.
Local Government Finance Act 1992 Council Tax (Admin and Enforcement Regs) 1992 Council Tax (Liability for Owners) Regs 1992	Covering the calculation, administration and collection of Council Tax. Council Tax Liability for owners Regs 1992 specifically cover HMO scenarios.
Town and County Planning Act 1990	This Act gives us the power to require work to be undertaken on a property to improve its appearance and address its impact upon the area.