



## Cabinet (Resources) Panel

### 3 October 2017

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| <b>Report title</b>                            | 23 Meadow Lane, Lanesfield - Proposal to Make a Final Empty Dwelling Management Order |  |
| <b>Decision designation</b>                    | AMBER   |  |
| <b>Cabinet member with lead responsibility</b> | Councillor Peter Bilson<br>City Assets and Housing                                    |  |
| <b>Corporate Plan priority</b>                 | Place - Stronger Economy  |  |
| <b>Key decision</b>                            | No  |  |
| <b>In forward plan</b>                         | Yes   |  |
| <b>Wards affected</b>                          | Spring Vale;  |  |
| <b>Accountable Director</b>                    | Lesley Roberts (Strategic Director: City Housing)                                     |  |
| <b>Originating service</b>                     | Private Sector Housing  |  |
| <b>Accountable employee</b>                    | Richard Long<br>Tel<br>Email  | Housing Improvement Officer<br>01902 555705<br>richard.long@wolverhampton.gov.uk |
| <b>Report to be/has been considered by</b>     | n/a   |  |

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#### Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Director of Governance to make a Final Empty Dwelling Management Order (FEDMO) at 23 Meadow Lane, Bilston subject to the outcome of any representations made by the owner or other interested parties.
2. Authorise the Director of Governance to:
  - a) Take all reasonable steps to make the FEDMO which will effectively follow on from the existing Order in place until 10 April 2018.
  - b) Ensure the timely publication and service of all Notices and if necessary the presentation of the Council's case at any Property Tribunal.

- c) Approve agreements with the owner(s) of the property setting out the terms for the Revocation of the Final Empty Dwelling Management Order where applicable.
3. Agree that Wolverhampton Homes continue to manage the property on behalf of the Council.

## **1.0 Purpose**

- 1.1 The purpose of this report is to request approval for a further Final Empty Dwelling Management Order for 23 Meadow Lane, Lanesfield.
- 1.2 Approval is further sought to allow the continued management of the property by Wolverhampton Homes and that the existing tenant remains in-situ subject to the terms of the assured shorthold tenancy in place.
- 1.3 Subject to reasonable grounds for revocation, that the Order remains in place for a further seven years.

## **2.0 Background**

- 2.1 At its meeting of 27 October 2009, Cabinet (Resources) Panel agreed the principle of the City of Wolverhampton Council using Empty Dwelling Management Orders (EMDO) as an option to bring empty residential properties back into use in certain circumstances.
- 2.2 The Residential Property Tribunal Authorised the Council to make an Interim Order for 23 Meadow Lane, Lanesfield on 13 September 2010 and the Order was made and came into force on the 29 September 2010.
- 2.3 As no contact or representations were made, Resources Panel approved the making of a Final EDMO 14 December 2010.
- 2.4 Following the appropriate publication of Notices, the FEDMO was made 10 April 2011 giving the Council control of the property for a period of seven years.
- 2.5 The property is a two-bedroom ground floor leasehold flat that was purchased from the Council in 1991 under the Right to Buy scheme.
- 2.6 Following refurbishment, the property has been managed by Wolverhampton Homes since 2011 and continues to be occupied at this time.
- 2.7 It is anticipated that the cost of the initial refurbishment and ongoing management/ maintenance costs will have been substantially recovered over the initial seven years of the FEDMO.
- 2.8 The beneficial owner(s) of the lease or their representatives have not come forward to date.

## **3.0 Options/ Evaluations of Alternative Options**

- 3.1 There are three options that the City of Wolverhampton Council could consider:

- a) Do nothing – The FEDMO would expire 10 April 2018 and the existing tenant would have to be found alternative accommodation. The property would then be likely to remain empty without a responsible owner.
- b) Compulsory Purchase – The tenant would have to be found alternative accommodation. The Council would incur costs making the CPO, disposing of the property and unless a beneficiary is identified, paying any compensation into court.
- c) Continue with the current arrangements by making further FEDMO to follow the existing FEDMO already in place – The existing tenant can remain in occupation and the action is cost neutral to the Council.

3.2 The option to make a further FEDMO is considered the most appropriate course of action in this case.

#### **4.0 Reasons for Decision**

4.1 The reasons for the decision are: –

- a) To ensure that the property continues to provide housing for the existing tenant(s).
- b) The property potentially provides much needed housing for a further seven years in the absence of the existing leaseholder.
- c) To ensure that the property does not become empty which could potentially be visually detrimental to the area and attract anti-social behaviour.
- d) To ensure that the property continues to generate revenue for the City through Council Tax and the potential adverse impact on New Homes Bonus revenue is negated.
- e) The proposal to make a further EDMO and to continue with the existing management arrangements is the least disruptive for the tenant(s) and most cost effective in terms of financial and physical resources for the Council.

#### **5.0 Proposals**

5.1 The next stage of the process would be to serve Notice of the Council's intention to make a Final Empty Dwelling Management Order. Any appeal must be lodged with the residential Property Tribunal no later than 28 days after the date that the Final Order is made.

5.2 A Final Order does not have to be submitted to the Residential Property Tribunal. The Final EDMO allows the Council or its agents to take over the management of the property and recover any costs from the income generated by the rent for a period of up to seven years. The owner does not lose title to the property under the EDMO and the owner would be entitled to any money collected over and above the cost of refurbishment, management and maintenance.

5.3 Wolverhampton Homes would continue to manage the property on behalf of the Council.

## **6.0 Financial implications**

- 6.1 The majority of the initial costs to bring the property up to a reasonable standard and the ongoing management/ maintenance costs have been recovered over the first seven years of the existing FEDMO. It is projected that the future costs of management and maintenance will continue to be fully recovered during the period of the subsequent proposed FEDMO.
- 6.2 There is no impact on the City Council Revenue Budget and as previously stated, the owner(s)/ beneficiaries (if/ when established) would be entitled to any surplus income. Any outstanding debts relating to the property would be payable prior to the FEDMO being revoked.  
[JM/25072016/R]

## **7.0 Legal implications**

- 7.1 The Housing Act 2004 ("HA 2004") makes provision for Local Housing Authorities to take action to bring empty residential properties back into use. Interim and Final EDMOs can be obtained by the Council as the Local Housing Authority and allow the Council (or its agent) to take over the management of the property for the purposes of securing an occupier.
- 7.2 The primary requirement under the HA 2004 is that the Council must take such steps as considered appropriate for the purposes of securing that the property becomes and continues to be occupied.
- 7.3 A local housing authority may make a new final EDMO to replace a final EDMO if it is considered that unless a new final EDMO is made in respect of the dwelling, the dwelling is likely to become or remain unoccupied. In deciding whether to make a final EDMO in respect of a dwelling, the authority must take into account:
- (a) the interests of the community, and
  - (b) the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties.
- 7.4 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a FEDMO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.  
[RB/07092017Z]

## **8.0 Equalities implications**

- 8.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. The continued occupation of this property will prevent the adverse effects on areas/ the community that empty properties can create.

## **9.0 Environmental implications**

- 9.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight.

## **10.0 Human Resources implications**

- 10.1 There are no human resources implications arising from this report.

## **11.0 Corporate Landlord implications**

- 11.1 There are no Corporate Landlord implications arising from this report.

## **12.0 Schedule of background papers**

Authority to progress Empty Dwelling Management Orders - 27 October 2009 Resources Panel.

Authority to present the case for 23 Meadow Lane to the RPT - 6 July 2010 Resources Panel.

23 Meadow Lane, Bilston - Proposal to Make a Final Empty Dwelling Management Order – 14 December 2010 Resources Panel.