



# Cabinet (Resources) Panel

26 November 2013

<b>Report title</b>	Empty Property Strategy – compulsory purchase of 8 Mandale Rd, Fallings Park, Wolverhampton WV10 9RR	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	Bushbury South and Low Hill	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Education and Enterprise, Housing Services	
<b>Accountable officer(s)</b>	Natalie Healy	Housing Improvement Officer
	Tel	01902 550554
	Email	natalie.healy@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Cabinet (Resources) Panel only	26 <sup>th</sup> November 2013

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## Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended:

- i) To make the following Compulsory Purchase Order under Section 17 of Part 2 of the Housing Act 1985:

The Wolverhampton City Council (8 Mandale Road, Fallings Park, Wolverhampton, WV10 9RR) Compulsory Purchase Order 2013.

- ii) To authorise the Strategic Director for Education and Enterprise on behalf of the council to:
  - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the Order including the publication

and service of all Notices and the presentation of the council's case at any Public Inquiry.

- b) Acquire interests in the land within the Order either compulsorily or by agreement before or after making the Order.
- c) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, and/or making arrangements for re-housing or relocation of any occupiers.
- d) Approve to the making of a General Vesting Declaration.
- e) Approve the disposal of the property by auction, tender or private treaty.

## **1.0 Purpose**

- 1.1 The purpose of this report is to request the Panel to authorise the making of a Compulsory Purchase Order under Section 17 of Part 2 of the Housing Act 1985 in respect of 8 Mandale Road, Wolverhampton and for negotiations to continue with any established interested parties in advance of confirmation of the Order as appropriate.
- 1.2 Following confirmation of the Order, approval is sought for the making of a General Vesting Declaration.
- 1.3 Approve the disposal of the property by auction, tender or private treaty subject to the outcome of the Compulsory Purchase Order and General Vesting Declaration.
- 1.4 This decision is in support of Wolverhampton City Council's Empty Property Strategy 2010-2015.

## **2.0 Background**

- 2.1 The property, highlighted on the attached map is a three bedroom semi-detached property and has been empty since February 2013, following the death of the owner. The estate is not registered under the Land Registration Act and was identified for action following a referral from Social Services in April 2013. The Empty Property team also received complaints in August 2013, regarding the deteriorating condition of the property and very overgrown rear garden.
- 2.2 The council's Planning Enforcement team served a Section 215 Notice on the owner occupier in 2011, due to the visual detriment the property and land was causing. The owner was unable to comply due to no available finances, which resulted in the council undertaking works in default and a charge of £10k remains outstanding against the property.
- 2.3 Social Services were able to trace a relative of the owner following further investigations. The relatives of the deceased owner have confirmed in writing they have no intention of dealing with the property and the Empty Property team has been instructed not to contact them to open negotiations.
- 2.4 As the council's attempts to open informal negotiations with relatives has not resolved the situation or brought about a voluntary solution; it is now considered necessary to continue with formal action under the Empty Property Strategy as a resolution.
- 2.5 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired under compulsory purchase powers, marketed for sale and brought back into residential occupation. The arrangements proposed for the property at 8 Mandale Road are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the council, the council would seek to dispose of the property by tender, auction

or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit.

### **3.0 Financial implications**

- 3.1 The Housing Capital Programme approved by Council on 11 July 2012 includes provision over the medium term for the Empty Property Strategy. In the event of a Compulsory Purchase Order being made resulting in the council acquiring the property, the costs will be met from this provision.
- 3.2 There are no exceptional circumstances in the case of 8 Mandale Road, Wolverhampton. A Notice under Section 215 of the Town and Country Planning Act 1990 to tidy the buildings and land resulted in the council carrying out works in default, which resulted in an outstanding charge and it will therefore not be necessary to pay the additional statutory 7.5% compensation payment should the Order be confirmed.

[CF/11112013/G]

### **4.0 Legal implications**

- 4.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land, houses or other properties for the provision of housing accommodation. However the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the council's case.
- 4.2 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 CPO. 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.

[EB/07112013/L]

### **5.0 Equalities implications**

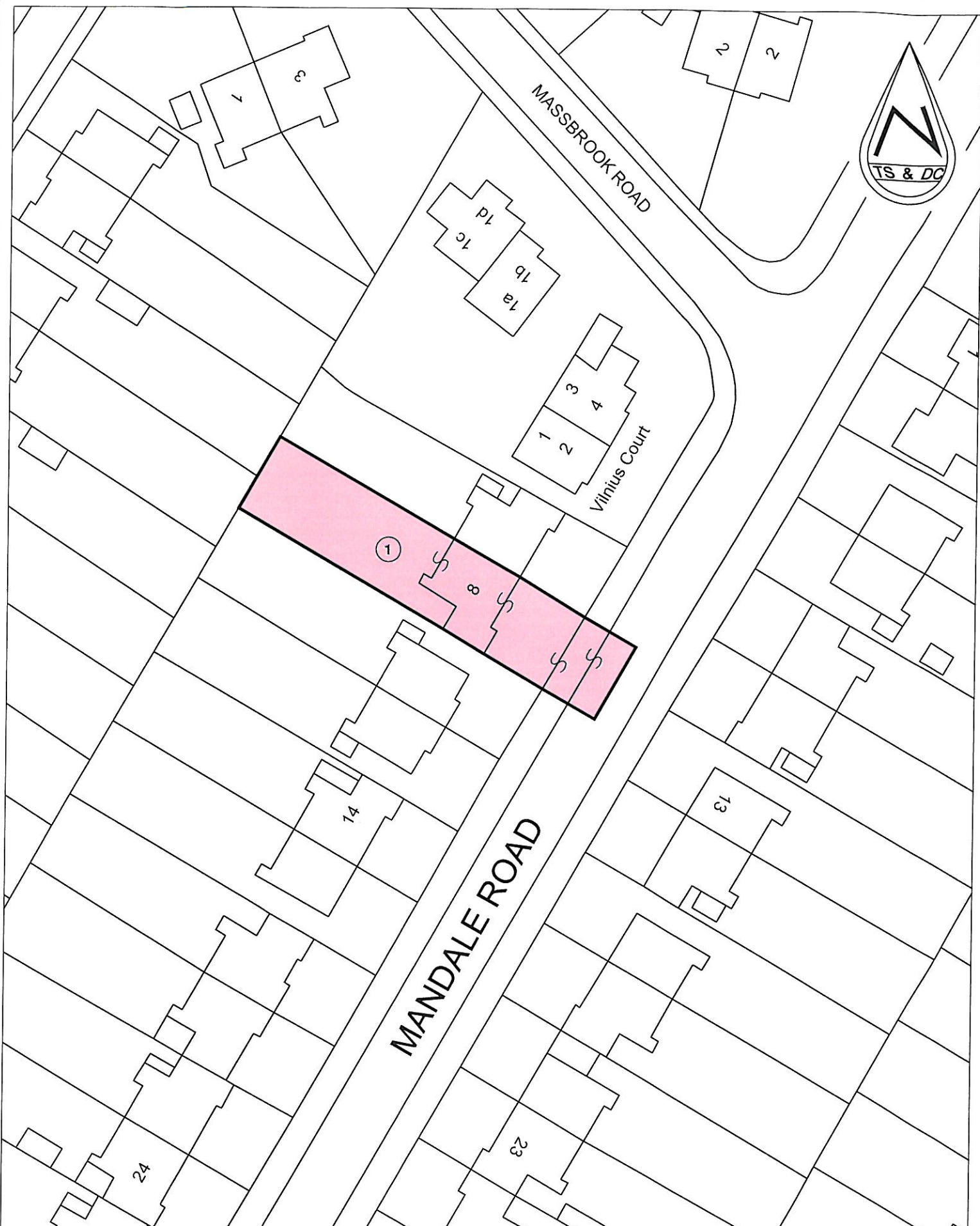
- 5.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

## **6.0 Environmental implications**

6.1 This report has evidenced the neighbourhood sustainability impact and environmental blight that a long term dilapidated empty property can have in a locality. It will allow a long term empty property to be refurbished providing much needed sustainable accommodation as highlighted in the Housing Needs Survey (2007) and remove a potential magnet for anti-social behaviour and environmental blight. This will improve the appearance of the neighbourhood, enhancing property conditions and contribute to the regeneration of the City.

## **7.0 Schedule of background papers**

- An Action Plan to Deliver the Empty Property Strategy 11/01/06;
- Private Sector Empty Property Strategy 2010-2015;
- Wolverhampton Housing Needs Survey 2007.



① AREA COLOURED PINK = 367.48m<sup>2</sup> OR THEREABOUTS

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date	October 2013
scales	1:500
drawn by	AJP
dwg. no.	Mandale Road 8.dwg

THE MAP REFERRED TO IN  
THE WOLVERHAMPTON CITY COUNCIL  
(8 Mandale Road)  
COMPULSORY PURCHASE ORDER 2013

**Wolverhampton City Council**  
Director of Education and Enterprise  
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30/08/2013 10:06 AM

8 MANDALE ROAD