

Cabinet (Resources) Panel

20 October 2015

Report title	Empty Property Strategy – compulsory purchase of 99 Millfields Road, Bilston, Wolverhampton WV14 0QX	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets	
Key decision	No	
In forward plan	No	
Wards affected	Ettingshall	
Accountable director	Lesley Roberts, Strategic Director, Housing	
Originating service	Education and Enterprise, Housing Services	
Accountable officer(s)	Natalie Healy	Housing Improvement Officer
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Report to be/has been considered by		

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 City of Wolverhampton council (99 Millfields Road, Bilston, Wolverhampton, WV14 0QX) Compulsory Purchase Order 2015.
- ii) To authorise the Strategic Director, Housing 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) Following any acquisition, authorise the Strategic Director Housing to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of the works).
- f) 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 99 Millfields 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 City of Wolverhampton 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. The owner passed away in 2007 and the estate is still registered under the deceased owner's names under the Land Registration Act. It was occupied by the deceased owners relative who vacated the property in 2011 and it has remained empty since. The council has been unable to trace the relative or a next of kin. It was identified for action following complaints from neighbours and the Police in January 2015, due to the deteriorating condition of the property and land and incidents of anti-social behaviour.
- 2.2 The council's empty property team served a Section 215 Notice on the property in July 2015, due to the visual detriment the property and land was causing. It was also hoped the notice would prompt a response from a next of kin of the deceased owners, but no contact has been made. It has resulted in the council undertaking works in default to ensure the security of the property and a charge outstanding will be registered against the property.
- 2.3 Enquiries with Social Services, Council Tax and the Police have been made but to date have been unable to trace a relative of the owner following further investigations.
- 2.4 As the council's attempts to trace and open informal negotiations with any 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 99 Millfields 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 23 June 2015 includes provision over the medium term for the Empty Property Strategy with a capital allocation in 2015/16 of £550,000. 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 99 Millfields, 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.

[MF/01102015/H]

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.

[RB/01102015/B]

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.

7.1 Corporate landlord implications

7.1 Where applicable, corporate landlord will work with housing to negotiate and agree a valuation with the owner. Should the property be acquired by agreement corporate landlord will arrange for the appropriate disposal of the property by auction.

8.0 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.