

# Cabinet (Resources) Panel

13 September 2016

<b>Report title</b>	Empty Property Strategy – Compulsory Purchase of 14 Lane Road, Lanesfield, Wolverhampton, WV4 6NG	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Cabinet member for City Assets	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<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(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>		

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## Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

- i) To make the following Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985:  
  
The City of Wolverhampton council (14 Lane Road, Lanesfield, Wolverhampton, WV4 6NG) Compulsory Purchase Order 2016.
- ii) To authorise the Strategic Director, City 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, City 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.
- g) Declare the property surplus to council requirements and dispose of the property on the open market via auction on condition that the property is refurbished and re-occupied within 6 or 12 months dependent of the scope of works

## **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 II of the Housing Act 1985 in respect of 14 Lane 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 which aims to bring empty properties back into use.

## **2.0 Background**

- 2.1 The property, highlighted on the attached map is a three bedroom semi-detached property. The owner passed away in July 2014 and the estate is still registered under the deceased owner's names under the Land Registration Act. The council has traced a relative, but to date they have not applied for probate due to other relatives coming forward and can not be progressed without the consent of all parties involved.
- 2.2 It was identified for action following complaints from neighbours in June 2014, due to the deteriorating condition of the property and land and an incident of anti-social behaviour which was attended by the Police.
- 2.3 The council served a Section 215 Notice on the property in 2008, which has been registered by Legal Services on Land Registry and the debt is still outstanding.
- 2.4 As the council's attempts to open informal negotiations with known 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 14 Lane 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 auction. 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 In the event of an acquisition the costs can be met from the £540,000 capital budget for the Empty property strategy approved by Council on 20 July 2016. The subsequent sale of the property would result in a capital receipt, ringfenced to finance future purchases through the Empty property strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.
- 3.2 There are no exceptional circumstances in the case of 14 Lane Road, Wolverhampton. A Notice under Section 215 of the Town and Country Planning Act 1990 to tidy the 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.
- 3.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and could result in additional council tax revenue.

[JB/30082016/X]

### **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.

[TS/2308/2016/W]

### **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 and remove a potential magnet for anti-social behaviour. This will improve the appearance of the neighbourhood, enhancing property conditions and contribute to the regeneration of the City, meeting the council's strategic objectives

## **7.1 Corporate landlord implications**

7.1 Where applicable, corporate landlord will be required to produce valuations and arrange for the appropriate disposal of the property by 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.