



Cabinet (Resources) Panel

29 July 2014

Report title	Empty Property Strategy – Compulsory Purchase of 171 Caledonia Road, Parkfields, Wolverhampton. WV2 1JA	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	No	
In forward plan	No	
Wards affected	Ettingshall	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Private Sector Housing	
Accountable employee(s)	Richard Long Tel Email	Housing Improvement Officer 01902 555705 Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

Cabinet (Resources) Panel is recommended to:

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

The Wolverhampton City Council (171 Caledonia Road, Parkfields, Wolverhampton. WV2 1JA) Compulsory Purchase Order 2014 as shown on the plan attached.

- ii) To authorise the Strategic Director for Education and Enterprise on behalf of the Council to:
 - a) Acquire interests in the land within the Order either compulsorily or by agreement before or after making the Order.

- b) 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.
- 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 the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
- e) Approve the disposal of the whole and/ or parts of the property under lease 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 in respect of 171 Caledonia Road, Parkfields, Wolverhampton and for negotiations to continue with the owner to purchase in advance of confirmation of the Order.
- 1.2 Following confirmation of the Order, approval is sought for the making of a General Vesting Declaration.
- 1.3 This decision is in support of Wolverhampton City Council's Empty Properties Strategy 2010-2015.

2.0 Background

- 2.1 The property, highlighted on the attached plan, is a three bedroom terrace that has been empty since April 2009. Complaints regarding the condition of the property were first received in April 2010.
- 2.2 Following a Notice to Enter the property (Section 239 of the Housing Act 2004), access was gained with the permission of the owner in November 2010. The property was found to be in a severely dilapidated condition.
- 2.3 A Notice under Section 215 of the Town and Country Planning Act 1990 was served on 171 Caledonia Road in order to remove the detrimental effect the condition of the property/ land is having on the amenity of the area. The Notice required compliance by 8 August 2013. The owner has not responded or complied with the Notice served.
- 2.4 On 8 April 2014, Resources Panel authorised employees to enter into formal negotiations to acquire the property from the owner. Attempts to negotiate with the owner since April 2014 have not produced any meaningful dialogue or solution and it now considered necessary to take further action under the Empty Properties Strategy.

3.0 Proposals

- 3.1 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.
- 3.2 It is hoped that the possibility of Compulsory Purchase action will achieve an early resolution.

4.0 Financial implications

- 4.1 The Housing Capital Programme approved by Council on 22 January 2014 includes provision over the medium term for the Empty Property Strategy. In the event of negotiated acquisition, the costs will be met from this provision.
- 4.2 There are no exceptional circumstances in the case of 171 Caledonia Road. A Notice under Section 215 of the Town and Country Planning Act 1990 to tidy the land/ buildings has not been complied with and it will therefore not be necessary to pay the additional statutory 7.5% compensation payment.

[CF/13072014/L]

5.0 Legal implications

- 5.1 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.
- 5.2 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/16072014/Q]

6.0 Equalities implications

- 6.1 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.

7.0 Environmental implications

- 7.1 Long term empty properties can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Bringing the property back into residential use will improve the appearance of the neighbourhood, enhance property conditions and contribute to the regeneration of the City, meeting the Council's strategic objectives.

8.1 Corporate landlord implications

8.1 There are no corporate landlord implications arising from this report.

9.0 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;
- Empty Property Strategy – 171 Caledonia Road – Property Identified for Action – 8/4/14