

Cabinet (Resources) Panel

28 March 2017

Report title	Acquisition of Privately Owned Empty Properties by agreement or Compulsory Purchase: Two and a Half Clifford Street, Whitmore Reans. WV6 0AB	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Housing and Assets	
Key decision	No	
In forward plan	No	
Wards affected	Park	
Accountable director	Lesley Roberts, Strategic Director, City Housing	
Originating service	Private Sector Housing	
Accountable employee(s)	Richard Long	Housing Improvement Officer
	Tel	01902 555705
	Email	Richard.long@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable	

Recommendations for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Strategic Director, City Housing to negotiate terms for the acquisition of the property, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within this programme.

3. In the event that the property is improved and re-occupied to the satisfaction of the Service Director for City Housing, authorise withdrawal of the property from the CPO.
4. Following any acquisition, authorise the Strategic Director, City Housing to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. Authorise the Director of Governance to:
 - a) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b) Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c) Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d) Approve the disposal of the whole and/ or parts 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 acquisition of Two and a Half Clifford Street, Whitmore Reans. WV6 0AB, by negotiation or by the making of a Compulsory Purchase Order under Section 17 of Part II of the Housing Act 1985 (CPO). Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of City of Wolverhampton Council Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the City Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property highlighted on the attached plan contains four flats and a window manufacturing yard/ office. Complaints regarding the property were first received in May 2005. Complaints include fly tipping, inadequate housing standards and the general condition of the property.
- 2.2 A Notice under section 215 of the Town and Country Planning Act 1990 was served on the owner of the land in January 2015 in order to remove the detrimental effect the condition of the property/ land is having on the amenity of the area. Some works were carried out. However, the Notice has not been fully complied with.
- 2.3 Occupation of the property is prohibited under the Housing Act 2004 and the owner is also subject to further enforcement in the form of a Community Protection Notice relating to housing management standards.
- 2.4 Attempts to resolve the situation informally including protracted discussions and offers by the Council to acquire the property have 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.
- 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 Two and a Half Clifford Street 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 Proposals

- 3.1 Where it is necessary to make a Compulsory Purchase Order and this is subsequently 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. This will also apply to any negotiated acquisitions.

4.0 Financial implications

- 4.1 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, ring-fenced 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.
- 4.2 The owner of the property has been served with a Section 215 Notice of the Town and Country Planning Act 1990 to tidy the land/ buildings. This has not been complied with and it will therefore not be necessary to pay the additional statutory 7.5% compensation payment.
- 4.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and could result in additional council tax revenue.
[JM/15022017/A]

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/02032017/L]

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. Human resources implications

8.1 There are no human resources implications.

9.0 Corporate landlord implications

9.1 Where applicable, corporate landlord will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.

10.0 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