

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 16 January 2018
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Report title	Acquisition of Privately Owned Land by Agreement or Compulsory Purchase: Site of former Public House at Willis Pearson Avenue/ Rowley View, Bilston		
Decision designation	AMBER		
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets and Housing		
Corporate Plan priority	Place - Stronger Economy		
Key decision	Yes		
In forward plan	Yes		
Wards affected	Bilston East;		
Accountable Director	Lesley Roberts (Strategic Director: City Housing)		
Originating service	Housing		
Accountable employee	Richard Long	Housing Improvement Officer	
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Report to be/has been considered by	Place Leadership Team	27 November 2017	
	Strategic Executive Board	5 December 2017	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Strategic Director for City Housing or the Strategic Director for Place to negotiate terms for the acquisition of the site of former public house Willis Pearson Avenue/ Rowley View, Bilston. WV14 8DA, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Section 17 of Part 2 of the Housing Act 1985 and/ or Section 226 Part 9 of the Town and Country Planning Act 1990.
2. Approve expenditure for the potential acquisition of the site, and its subsequent development for Council housing, from within the existing Housing Revenue Account Capital Programme.

3. Authorise withdrawal of the land from the CPO if development of the site is progressed by the current owner to the satisfaction of the Strategic Director for City Housing.
4. Authorise the Director of Governance to take the following action should it not be possible to agree terms for the acquisition of the site by negotiation:
 - 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 land 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 land is brought into Council ownership via this process).
5. Delegate authority to the Cabinet Member for City Assets and Housing, in consultation with the Strategic Director for City Housing or the Strategic Director for Place, following any acquisition, to approve detailed proposals for development of the site by the City of Wolverhampton Council for council housing.

1.0 Purpose

- 1.1 The purpose of this report is to seek authorisation to progress the acquisition of a derelict site in the Bilston East Ward of the City by either negotiation or via compulsory purchase. This report further proposes that the site is retained by the Council for the development of new council housing.

2.0 Background

- 2.1 The site identified on the attached plan has been the subject of persistent anti-social behaviour and fly tipping following the closure and subsequent demolition of the “Patchbox” public house.
- 2.2 The site has a current planning permission for ten flats which has not been implemented.
- 2.3 Discussions with the site owners over a number of years have not established meaningful proposals for the site or a timescale for implementation.
- 2.4 The ongoing failure to maintain the site has led to enforcement action by the Council resulting in the recent prosecution of the owners under the Anti-Social Behaviour Crime and Policing Act 2014.
- 2.5 It is now considered appropriate to progress the acquisition of the site in order to ensure that development occurs and a long-term solution to the ongoing blight caused by the site is implemented.

3.0 Options/ evaluation of options

- 3.1 There are two main options for the site:
- a) Do Nothing – Based upon the owner’s actions to date, the land is likely to remain undeveloped, continue to attract anti-social behaviour/ fly tipping and continue to be a drain on the public purse.
 - b) Negotiated acquisition/ compulsory purchase order (CPO) – The prospect of a CPO often prompts the owner to act. However, if it is necessary to acquire the site, proposals for development are set out at paragraph 5 below.
- 3.2 The purchase of the site by the Council using Housing Revenue Account (HRA) capital funds would allow the Council to pursue the residential development of the site, providing new homes for local residents, and finally resolving the future of this site for a beneficial outcome.

4.0 Reasons for the decision

- 4.1 The reasons for the decision are:

- a) To ensure that the land is developed for much needed housing by either the current owner or through the acquisition and development of the site by the Council.
- b) To ensure that the land does not continue to be visually detrimental to the area and does not continue to attract anti-social behaviour/ fly tipping.
- c) To ensure that the site has a positive financial impact on the public purse through additional New Homes Bonus funding and removing the on-going use of resources arising from the anti-social behaviour/ fly tipping.

5.0 Proposals

- 5.1 Should it be necessary for the Council to acquire the site by negotiation or compulsory purchase, the Council would seek to develop the site as residential accommodation. This would be subject to further approvals, delegated to the Cabinet Member for City Assets and Housing.
- 5.2 The principle of residential development on the site is in place as there is an existing planning permission for apartments on the site.

6.0 Financial implications

- 6.1 In the event of an acquisition the costs can be met from the approved HRA capital programme budget for new build development of £76.5 million. Right to Buy one-for-one receipts can also be applied to the purchase and development of homes here.
- 6.2 In the event of either a voluntary acquisition or compulsory purchase it will be necessary to pay an additional statutory 7.5% compensation payment (in addition to the market value) as required by circular 06/2004 Compulsory Purchase and the Crichel Down Rules.
- 6.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and could result in additional council tax revenue.
[JM/24112017/C]

7.0 Legal implications

- 7.1 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 CPO 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 CPO the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 7.2 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/21112017/k]

8.0 Equalities implications

- 8.2 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 a derelict site 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.

9.0 Environmental implications

- 9.1 Derelict land can have a detrimental impact on neighbourhood sustainability and cause environmental blight. Developing the site for residential use will improve the appearance of the neighbourhood, provide housing, and contribute to the regeneration of the City, meeting the Council's strategic objectives.

10.0 Human resources implications

- 10.1 There are no human resources implications.

11.0 Corporate Landlord implications

- 11.1 Where applicable, corporate landlord will be required to produce valuations, negotiate terms for acquisition and advise on any compensation matters arising.

12.0 Schedule of background papers

- 12.1 There are no background papers relating to this matter.

13.0 Appendices

- 13.1 Appendix 1: CPO Site Map