



Cabinet (Resources) Panel

3 March 2015

Report title Compulsory Purchase of 114 Dixon Street,
Parkfields, Wolverhampton. WV2 2BJ

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, Place
Originating service	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	N/A

Recommendation(s) for action or decision:

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 Wolverhampton City Council (114 Dixon Street, Parkfields Wolverhampton)
Compulsory Purchase Order 2015 as shown on the plan attached.

- ii) To authorise the Strategic Director - Place 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 that Cabinet (Resources) Panel authorise the making of a Compulsory Purchase Order under Section 17 of Part 2 of the Housing Act in respect of 114 Dixon Street, 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 map is a two bedroom semi-detached house and has been empty since 2010 according to council tax records.
- 2.2 Following a Warrant granted 21 February 2012 under Section 240 of the Housing Act 2004 access was gained and a survey of the property was undertaken. The property was found to be in a severely dilapidated condition and the costs of refurbishment rendered the property unsuitable for an Empty Dwelling Management Order.
- 2.3 Contact was eventually made with the owner in May 2013 and the option of a lease was offered via Heantun Housing Association. The lease would have effectively enabled the refurbishment of the property in return for a 10 year lease. The owner did not respond to the offer made by Heantun H.A.
- 2.4 A Notice under Section 215 of the Town and Country Planning Act 1990 was served on 114 Dixon Street requiring the owner to remove the detrimental effect the condition of the property/ land is having on the amenity of the area. The Notice required compliance by 22 August 2014. As the owner has not responded or complied with the Notice served, a prosecution is currently being progressed.
- 2.5 The above attempts to negotiate with the owner since April 2010 have not produced any meaningful dialogue or solution and it is now considered necessary to take further action under the Empty Property 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 includes provision over the medium term for the Empty Property Strategy. In the event of negotiated acquisition/ confirmation of the Order, the costs/ compensation will be met from this provision.
- 4.2 There are no exceptional circumstances in the case of 114 Dixon Street. 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/09022015/B]

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.

[EB/03022015/D]

6.0 Equalities implications

- 6.1 Equalities implications have been considered throughout the process and in assessing the outcome. An initial screening has been completed and this does not indicate any adverse implications.

7.0 Environmental implications

- 7.1 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.

8.0 Corporate landlord implications

- 8.1 This property is within the private housing sector and if negotiations to acquire are successful it will be sold at auction for refurbishment and the property will remain in that sector. There are no Corporate Landlord implications.

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.