REPORT TO THE EXECUTIVE

The Burnley (Cog Lane Burnley Nos. 1 and 2 Clearance Areas) Compulsory Purchase Order 2010

PURPOSE

1. To seek approval for the compulsory purchase and subsequent clearance of Nos. 334, 336, 338 and 340 Cog Lane, Burnley.

RECOMMENDATION

2. That delegated authority be given to the Head of Property Consultancy to continue to acquire properties intended to be included in the proposed Clearance Area Compulsory Purchase Order in advance of confirmation of the Order and to agree terms for their acquisition.

3. That the Council declare the following areas to be Clearance Areas in pursuance of Section 289 of the Housing Act 1985 (as amended):

   The Burnley (Cog Lane Burnley Nos. 1 and 2) Clearance Areas 2010

   334 Cog Lane, Burnley
   336, 340 Cog Lane, Burnley

4. That the Council include within the Compulsory Purchase Order pursuant to Section 290 of the Housing Act 1985 (as amended) the following land and property shown grey on the attached plan in order to secure a cleared area of convenient shape and dimensions, capable of beneficial after use

   336 Cog Lane, Burnley

5. That the Council make the Compulsory Purchase Order pursuant to Section 290 of the Housing Act 1985 (as amended) in order to secure the purchase and demolition of the properties and land coloured pink and grey on the attached plan, the order to be known as:

   The Burnley (Cog Lane Burnley Nos. 1 and 2 Clearance Areas) Compulsory Purchase Order 2010

   334, 336, 338, 340 Cog Lane, Burnley
6. That the Head of Property Consultancy make provision for the maintenance of the cleared site.

7. That the Head of People and Law be authorised to:
   - Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all Notices, and the presentation of the Council’s case at any Public Inquiry;
   - Acquire interests in land within the Compulsory Purchase Order either by agreement or compulsorily; and
   - Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order including, where appropriate, seeking exclusion of land from the Order and/or making arrangements for the rehousing or relocation of occupiers.

8. That the Head of Streetscene, after consultation with the Head of Housing, be authorised
   - to request Lancashire County Council, as Highway Authority, to make applications to a magistrates' court to make an order to stop up or, as the case may be, divert such highways within or adjacent to the area subject to the compulsory purchase order as necessary to meet the requirements for the planned and/or proposed after use of the site in accordance with sections 116 and 117 of the Highways Act 1980 and all other enabling legislation, and
   - to approach all statutory undertakers to remove or decommission all equipment in advance of the said highways being closed or diverted or to arrange easements where appropriate

REASONS FOR RECOMMENDATION

9. Clearance is recommended as the most satisfactory course of action due to the fact that all of the properties are vacant and because of the extent of the hazards that render three of the four properties unsuitable for human habitation (by virtue of the risk that those hazards present to any visitors to, or potential occupants of, the properties).

SUMMARY OF KEY POINTS

10. At its meeting on 4th April 2006 the Executive agreed to the in principle inclusion in a clearance area and acquisition by agreement of four properties, being
    334, 336, 338, 340 Cog Lane, Burnley

11. The Official Representation (Appendix A), which supports the Compulsory Purchase Order (CPO), is available in the Members Room and is not attached to this report.

12. The detailed results of the property surveys are summarised in Appendix A. The table contained in Appendix A1 of the Official Representation details the accommodation and levels of occupancy. Appendix A2 provides a breakdown of the Category 1 and Category 2 hazards for the proposed Compulsory Purchase Order.

13. Consultation with the owners has taken place through formal notices and letters. Notices
of the Council’s intention to declare the Clearance Area under Section 289 (2b) (a) of the Housing Act 1985 have been served on all parties having an interest in the houses that are unsuitable for human habitation in the area, giving the opportunity to make representations to the Council within 28 days.

14. The Council has acquired interests in two of the properties by agreement. Current ownership of a third property is unknown. The fourth property had no Category 1 hazards at time of inspection.

15. There are no residents of the properties and no-one has been identified who qualifies for assistance with re-housing.

16. Three of the four properties contained within the Order are unsuitable for human habitation and contain Category 1 and Category 2 hazards as defined under the Housing Health and Safety Rating System.

17. The Guidance from Communities and Local Government, issued pursuant to the Housing Act 2004, requires the Council to consider the desirability of clearance in the context of proposals for the wider neighbourhood of which the premises form part. In deciding whether to declare the area in which premises that are unsuitable for human habitation are situated to be a clearance area under Section 289 of the Housing Act 1985 (as amended) the following items should be considered:-

- A detailed survey of the properties;
- The views of local residents;
- Economic and socio-environmental assessments of the viable options;
- The alternative options for the area;
- The arrangements for re-housing;
- The after-use of the cleared site; and
- The availability of relocation grants (or alternative financial assistance).

These items have been considered and are further expanded upon in the Official Representation (Appendix A).

18. Cleared Sites are soiled and finished to a specified standard. Property Services then manage the cleared sites with Green Spaces maintaining them on their behalf. Following consultation with Green Spaces the estimated maintenance cost of the cleared site is £268 in 2011/12. The cost of this maintenance will need to be included within the programme funded by the Council’s Housing Capital Grant (from the Regional Housing Board) for 2011/12 and 2012/13. From 2013/14 onward Property Services will need to make provision within their revenue budget for the estimated £281 maintenance cost. This cost will need to be met in all subsequent years unless the site is disposed of.

### FINANCIAL IMPLICATIONS AND BUDGET PROVISION

19. To date the total expenditure relating to this area is £170,882. It is estimated that a further amount of £120,224 will be required, for costs associated with acquisition, demolition and site treatment. It is anticipated that some of the outstanding expenditure will take place in 2009/10 leaving the balance to fall in 2010/11. At worst the carry forward commitment into 2010/11 would be £120,224.
20. The costs of delivering the scheme in 2009/10 are already provided for within the current year’s Housing Investment Programme budget, funded by Elevate and Housing Capital Grant. Any outstanding costs in 2010/11 will also be met through the Housing Investment Programme.

21. A provision of £268 for 2011/12 and £274 for 2012/13 will be needed from Housing Capital Grant to allow for the ongoing maintenance cost of the cleared site. The same level of provision may need to be included within the revenue budget of Property Services for 2013/14 and subsequent years.

**POLICY IMPLICATIONS**

22. This report is within the Council’s current policy and procedure framework.

23. In terms of the Human Rights Act implications of this intervention, the advice from Government is that local authorities must strike a fair balance between the demands of the community and the need to protect the fundamental rights of individuals. In considering this balance, one of the issues that a court would look for is whether or not compensation will be available. In this case compensation would be available through the negotiation of market value compensation between the Council and the property owner’s valuer. In addition, individual rights are protected by the statutory objection and inquiry procedure.

**DETAILS OF CONSULTATION**

24. Notices have been placed in two newspapers with the closing date for comments being 4th January 2010. At the time of writing, no responses have been received. Ward Councillors have been consulted.

**BACKGROUND PAPERS**

All other background papers contain exempt information.
The Official Representation will be placed in the Members Room and does not accompany the report.

**FURTHER INFORMATION**

PLEASE CONTACT: Julie Watson
ALSO: Steve Tilly