

REPORT TO THE EXECUTIVE



DATE	23 rd July 2013
PORTFOLIO	Housing and Environment
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Empty Homes Clusters Compulsory Purchase Orders

PURPOSE

1. To seek approval for the Empty Homes Clusters Compulsory Purchase Orders as detailed below.
2. To put in place the necessary delegations needed to effectively deliver the program.
3. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy.

RECOMMENDATION

4. That the Executive approve in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (9 Adamson Street Burnley) Compulsory Purchase Order 2013

The Burnley (30 Ainslie Street Burnley) Compulsory Purchase Order 2013

The Burnley (1 Arran Street Burnley) Compulsory Purchase Order 2013

The Burnley (11 Arran Street Burnley) Compulsory Purchase Order 2013

The Burnley (1 Boundary Street Burnley) Compulsory Purchase Order 2013

The Burnley (16 Boundary Street Burnley) Compulsory Purchase Order 2013

The Burnley (21 Brennand Street Burnley) Compulsory Purchase Order 2013

The Burnley (58 Brennand Road Burnley) Compulsory Purchase Order 2013

The Burnley (1 Bulcock Street Burnley) Compulsory Purchase Order 2013

The Burnley (4 Bulcock Street Burnley) Compulsory Purchase Order 2013

The Burnley (91 Coal Clough Lane Burnley) Compulsory Purchase Order 2013

The Burnley (96 Coal Clough Lane Burnley) Compulsory Purchase Order 2013

The Burnley (10 Dickson Street Burnley) Compulsory Purchase Order 2013

The Burnley (32 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (36 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (39 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (41 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (50 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (54 Elmwood Street Burnley) Compulsory Purchase Order 2013

The Burnley (103 Gannow Lane Burnley) Compulsory Purchase Order 2013

The Burnley (130 Gannow Lane Burnley) Compulsory Purchase Order 2013

The Burnley (25 Green Street Burnley) Compulsory Purchase Order 2013

The Burnley (12 Hudson Street Burnley) Compulsory Purchase Order 2013

The Burnley (9 Ivory Street Burnley) Compulsory Purchase Order 2013

The Burnley (18 Kime Street Burnley) Compulsory Purchase Order 2013

The Burnley (1 Martin Street Burnley) Compulsory Purchase Order 2013

The Burnley (27 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (63 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (90 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (97 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (21 Pembroke Street Burnley) Compulsory Purchase Order 2013

The Burnley (5 Prince Street Burnley) Compulsory Purchase Order 2013

The Burnley (63 Queensberry Road Burnley) Compulsory Purchase Order 2013

The Burnley (65 Queensberry Road Burnley) Compulsory Purchase Order 2013

The Burnley (72 Queensberry Burnley) Compulsory Purchase Order 2013

The Burnley (38 Raglan Road Burnley) Compulsory Purchase Order 2013

The Burnley (8 Scarlett Street Burnley) Compulsory Purchase Order 2013

The Burnley (41 Scarlett Street Burnley) Compulsory Purchase Order 2013

The Burnley (10 Steer Street Burnley) Compulsory Purchase Order 2013

The Burnley (3 Ulster Street Burnley) Compulsory Purchase Order 2013

The Burnley (41 Westmorland Street Burnley) Compulsory Purchase Order 2013

The Burnley (28 Whitebull Street Burnley) Compulsory Purchase Order 2013

The Burnley (31 Windsor Street Burnley) Compulsory Purchase Order 2013

The Burnley (3 Wren Street Burnley) Compulsory Purchase Order 2013

The Burnley (4 Wynotham Street Burnley) Compulsory Purchase Order 2013

The Burnley (10 Wynotham Street Burnley) Compulsory Purchase Order 2013

The Burnley (25 Wynotham Street Burnley) Compulsory Purchase Order 2013

The Burnley (28 Wynotham Street Burnley) Compulsory Purchase Order 2013

5. That the Head of Finance and Property Management be authorised to agree terms for acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation and to re-sell the property once renovated in accordance with the Disposal of Empty Dwellings Policy.
6. To authorise the Head of People, Law & Regulation to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary.

7. Subject to confirmation by the Secretary of State to authorise the Head of People and Law to secure full title to and possession of the CPO land as appropriate by:
 - a. Serving notice of confirmation of the CPO on all interested parties;
 - b. Serving notice of intention to execute a General Vesting Declaration;
 - c. Executing the General Vesting Declaration;
 - d. Serving Notices to Treat and/or Entry as appropriate;
8. That the Executive authorises the tendering of any renovation works in accordance with SOC 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
9. That the Executive approves that the proceeds from the sale of the properties is recycled back in to the Vacant Property Initiative for further acquisitions and renovations.

REASONS FOR RECOMMENDATION

10. These properties are long term vacant (i.e. over 6 months) with several being vacant over 5 years. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood.
11. The Empty Homes Clusters Programme gives us the opportunity to address the empty homes in the proposed areas, bringing them back in to use, and through working with our partners addressing other associated problems to make the cluster locations desirable places to live.
12. The owners of these properties have been contacted on numerous occasions and have either not responded at all or have given no reasonable proposals for renovating the properties or bringing them back into housing use.

SUMMARY OF KEY POINTS

13. There are 2089 empty properties in Burnley, a quarter (560) of these have been empty for over 2 years. They cluster to form 20% of the total housing stock in some areas and attract associated problems of anti-social behaviour, crime and fly tipping. Tackling empty homes is a priority for the Council and for PLLACE. Subsequently early this year the Council successfully secured resources from the Homes and Community Agency (HCA) to deliver two new programmes which will address empty homes.
14. The properties listed in this report fall within one of the three designated Cluster Areas and have been identified as appropriate for this type of intervention.

15. The properties that have been identified as appropriate for these interventions are 9 Adamson Street (Oct 12), 30 Ainslie Street (April 10), 1 Arran Street (Feb 10), 11 Arran Street (Jun 12), 1 Boundary Street (Dec 10), 16 Boundary Street (May 12), 21 Brennand Street (Dec 08), 58 Brennand Street (Aug 07), 1 Bulcock Street (Aug 12), 4 Bulcock Street (May 12), 91 Coal Clough Lane (Feb 12), 96 Coal Clough Lane (Feb 04), 10 Dickson Street (May 12), 32 Elmwood Street (Oct10), 36 Elmwood Street (Jan 07), 39 Elmwood Street (July 11), 41 Elmwood Street (Mar 12), 50 Elmwood Street (July 12), 54 Elmwood Street (Aug 12), 103 Gannow Lane (May 12), 130 Gannow Lane (Jun 12), 25 Green Street (Jan 08), 12 Hudson Street (Aug 12), 9 Ivory Street (Jun 12), 18 Kime Street (July 12), 1 Martin Street (Feb 10), 27 Nairne Street ((July 12), 63 Nairne Street (Mar 12), 90 Nairne Street (Mar 12), 97 Nairne Street (Jun 12), 21 Pembroke Street (Mar 12), 5 Prince Street (May 12), 63 Queensberry Road (Jun 11), 65 Queensberry Road (Jan 12), 72 Queensberry Road (Mar 12), 38 Raglan Road (Aug 10), 8 Scarlett Street (Aug 09), 41 Scarlett Street (May 11), 10 Steer Street (May 10), 3 Ulster Street (Mar 12), 41 Westmorland Street (Jun 12), 28 Whitebull Street (Sept 12), 31 Windsor Street (May 12), 3 Wren Street (Jul 12), 4 Wynotham Street (Jan 12), 10 Wynotham Street (Dec 09), 25 Wynotham Street (Apr 12) and 28 Wynotham Street (Aug 03) illustrating that without some form of intervention they will not be brought back in to use.
16. Some of the properties remain boarded and are in a deteriorating condition both internally and externally. Some of the properties are not boarded but are in a poor condition both internally and externally.
17. Negotiations for the acquisition of the properties have not yet commenced as no contact has been received from the owners. If the owners do contact the Council efforts will be made to purchase the properties by agreement.
18. Where owners contact us, we will work with them to reach an agreement for bringing the property back in to use. If agreement cannot be reached satisfactorily, we reserve the right to use CPO powers as a last resort.
19. If the owners do not come forward to receive their market value compensation, the General Vesting Declaration (GVD) procedure will be followed and payment will be made in to court. This will ensure allocated budgets are defrayed. After a period of 12 years has passed and no owner has come forward to claim payment, the council can request the money back from the Courts.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

20. Burnley Borough Council will be the Accountable Body for the allocated funding and will be responsible for delivery of the scheme and reporting outputs to the funding

body the HCA. The overall programme must be committed by March 2014 and is £7,102, 067.

21. The HCA has agreed a funding grant of £3,551,033.51 which needs to be matched through the councils own funds and through private sector investment. The council has committed £2,000,000 through the Housing Capital Investment Programme to tackling the problem of empty homes in the three cluster locations over the course of this programme (to the end of March 2014). The remaining matched funding of £1,551,033.51 will be met through the private sector from the owners of the empty homes.

22. Financial provisions for new staff to enable delivery of the scheme were built in to the funding bid and this amounts to approximately £327,000. This cost includes new staffing posts within the Housing and Development Control Unit and internal staff costs such as People, Law & Regulation, Finance and Property Management and Facilities Management.

POLICY IMPLICATIONS

23. Overall, the proposed action will help to achieve the Council's strategic plan of "People Places and Prosperity". The acquisition and renovation of the empty homes will enable the Council to assist in bringing them back into use, which will improve the environment for residents in the vicinity of the empty homes by reducing the potential for crime and anti-social behaviour.

24. In terms of Human rights Act implications, Government advice is that local authorities must strike a fair balance between the demands of the community and the need to protect individual's fundamental rights. In considering this balance, one of the issues that a court would look for is whether compensation will be payable. The level of compensation is of course negotiable 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

25. Paul Gatrell (Head of Housing and Development Control), Mike Cook (Director of Economic Regeneration), and Councillor Julie Cooper (Leader of the Council)

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT: John Killion (Project Officer Renewal). 01282 425011 ext 3188.