

Report of : Head of Property Services
Report to : Chief Asset Management and Regeneration Officer
Date: 24 March 2014
Subject: 4 Bawn Vale Farnley Leeds LS12

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Farnley and Wortley	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4.(3)	
Appendix number:	1	

Summary of main issues

1. 4 Bawn Vale was a Council house which was sold under right to buy legislation in 1989.
2. The property suffered an arson attack in March 2013 in which the owner died. The property was so badly fire damaged that it had to be demolished and the adjoining Council property, 3 Bawn Vale, was also damaged to such an extent that the tenants were rehoused and this property has remained vacant requiring substantial repairs.
3. The Interim Chief Officer Property and Contracts on 7 March 2014 approved that the site of 4 Bawn Vale be acquired by the Council by a Compulsory Purchase Order (CPO), under Section 17 of the Housing Act 1985 in order to complete demolition works and carry out repairs to 3 Bawn Vale in order to bring it back into beneficial use.
4. The Interim Chief Officer Property and Contracts on 21 March 2014 approved an amendment to the previous report recommending that 4 Bawn Vale be acquired by negotiation or at auction rather than just reliance upon CPO.

Recommendations

5. It is recommended that approval is given to acquire the site of 4 Bawn Vale, by agreement or by bidding at auction and if not successful by way of a CPO under

1 Purpose of this report

1.1 The purpose of this report is to seek approval to acquire the site of 4 Bawn Vale Farnley Leeds LS12 by way of agreement, at auction or by a CPO under section 17 of the Housing Act 1985.

1.2

2 Background information

2.1 4 Bawn Vale was a Council house which was sold under right to buy legislation in 1989.

2.2 In 2013 the property was subject to an arson attack in which the owner died. The fire damage was so severe that the property had to be demolished. The adjoining Council house, 3 Bawn Vale was also fire damaged resulting in the tenants being rehoused and the property remaining empty and needing extensive repairs as detailed in the attached confidential appendix.

2.3 The condition of 3 Bawn Vale continues to deteriorate and is impacting negatively upon families living in the neighbourhood.

2.4 Environments and Housing wish to bring 3 Bawn Vale back into beneficial use as a Council house. This will require the acquisition of the site of 4 Bawn Vale so that the demolition can be completed with removal of the foundation slab and works carried out to the exposed party wall and roof void. Following the works the site will be top-soiled and seeded and incorporated into the gardens of 3 and 5 Bawn Vale.

3 Main issues

3.1 The executor for the estate of the former owner has placed the property for sale by way of public auction on 26 March 2014.

3.2 Environments and Housing have requested that the Council approach the appointed auctioneers to negotiate the purchase of the site prior to auction or in the absence of such agreement to bid to purchase the site at the auction. If this is unsuccessful, then the property should be acquired by a CPO under the terms of section 17 of the Housing Act 1985.

3.3 Information regarding the valuation of 4 Bawn Vale and a recommendation for the amount that can be offered for its purchase are detailed in the attached confidential appendix.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members were consulted by Environments and Housing on 2 December 2013. All Ward Members responded on 4 December 2013 stating that they wished to see 3 Bawn Vale retained and renovated. One Ward Member confirmed his support for the proposal to purchase the site of 4 Bawn on 9 December 2013.

4.1.2 In the period of 10th to 21st January 2014, consultations were also carried out on a face to face basis by visiting residents in the vicinity who, when questioned, were supportive of the proposal.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 No negative impact from the proposal was identified as a result of an Equality Impact Screening carried out by Environment and Housing.

4.3 Council Policies and City Priorities

4.3.1 The purchase of the site of 4 Bawn Vale to allow the renovation of 3 Bawn Vale supports the corporate priority for creating better neighbourhoods and confident communities. This proposal will meet the headline indicators of increasing the number of long term empty properties brought back into use and increasing the number of properties which achieve the decency standard.

4.4 Resources and Value for Money

4.4.1 The cost of acquiring the site of 4 Bawn Vale will be met from the Housing Revenue Account and provision has been made in the 2014/15 Capital Programme.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

4.5.2 The Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.5.4 The Head of Property Services confirms that in his opinion the terms to be offered by the Council represent a fair market value for the site.

4.5.5 The information contained in the Appendix to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in relation to certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the purchase of the land/property referred to then it is not in the public interest to disclose this information at this point in time. Also the release of such information would or would be likely to prejudice the Council's commercial interests in relation to and undermine its attempts to acquire by agreement similar properties in the locality in that owners of other similar properties would be aware about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be available from the Land Registry following completion of the purchase and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the

report should be treated as exempt under rule 10.4.(3) of the Access to Information Procedure Rules.

4.6 Risk Management

- 4.6.1 There is a risk that the Council will be unable to reach agreement to purchase the property prior to auction or that any bids at auction will not be successful. An approval has been obtained to purchase the property using a CPO should the alternative methods be unsuccessful.

5 Conclusions

- 5.1 It can be concluded that acquiring the site of 4 Bawn Vale will allow the renovation of the Council property 3 Bawn Vale which will be brought back into beneficial use as part of the Council's housing stock.

6 Recommendations

- 6.1 It is recommended that approval is given to acquire the site of 4 Bawn Vale Farnley Leeds LS12 by negotiation, by bidding at auction or by use of a CPO under the financial limits detailed in the attached confidential appendix.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.