

Report of Service Manager, Private Sector Housing, Housing Partnerships

Report to Director of Environment and Housing

Date: July 2014

Subject: The revocation of permissions to procedure with compulsory purchase action under the Housing Act 1985

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston, Burmantofts and Richmond Hill, Chapel Allerton, Gipton and Harehills		
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: Appendix number:		
<p>Appendix 1 to this report has been marked as exempt under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council. The information is exempt if and for so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In this case the report author considers that it is in the public interest to maintain the exemption.</p>		

Summary of main issues

1. One of the Council's main priorities to is to address the issue of empty homes to increase the supply of affordable homes within the city. As part of the Empty Homes Strategy 2012/5 the Council proactively targets empty homes and takes all steps necessary to return properties back into occupation. This action includes the use of compulsory purchase where no other option is available.
2. Compulsory purchase procedures are laid out in section 17 of the Housing Act 1985. For the Council to proceed permission must be sort via the appropriate governance arrangements of the authority. In most cases this is via the delegated authority to the Director of Environment and Housing.
3. However despite commencing compulsory purchase action against an owner not all properties are vested within the Council's ownership as in some instances the owner

will address their empty home prior to this occurring. There are a number of cases in which this has occurred and Appendix One provides a list of all of these properties.

4. Once the owner has brought it back into occupation without the need for the Council to vest the property in their ownership, the Compulsory Purchase action requires to be formally revoked.

Recommendations

5. It is recommended that the Director of Environment and Housing formally revokes the approval to pursue compulsory purchase action under Section 17 and Part II of the Housing Act 1985 in respect of those properties listed in Appendix One of this report.

1 Purpose of this report

- 1.1 The purpose of the report is to request the Director of Environment and Housing to formally revoke previously approved compulsory purchase action under Section 17 and Part II of the Housing Act 1985 on the properties listed in Appendix One.

2 Background information

- 2.1 One of the Council's priorities is to address empty homes as part of increasing the supply of affordable homes within the city. The Empty Homes Strategy 2012/5 details the actions the Council and partners currently take to bring properties back into occupation. There are a wide range of options available and these include in certain cases the use of compulsory purchase under Section 17 and Part II of the Housing Act 1985.
- 2.2 Unlike other legislation used to address empty homes, compulsory purchase requires the Council to commence the action rather than individual officers. Therefore in all cases the decision to proceed to compulsory purchase has to be taken following approval via the Council's governance arrangements. In most cases this is via the delegated authorisation to the Director of Environment and Housing.

3 Main issues

- 3.1 Compulsory Purchase under Section 17 and Part II of the Housing Act 1985 is a valuable tool for the Council to bring empty homes back into occupation where all other options have been exhausted. This action is used as a last resort where all other avenues have been explored with an owner but the property remains vacant. To commence compulsory purchase action formal approval is required via the Council governance arrangements.
- 3.2 If for any reason the property is not vested in the Council and the compulsory purchase order is not required then the Council should formally revoke the approval. This occurs when the formal commencement of action prompts the owner to address their empty property themselves. This can be due, for example

to them renovating it themselves or selling it on to an owner who returns the property to use without undue delays.

- 3.3 Once a property, subject to compulsory purchase action has been reoccupied without the need to vest in the Council's ownership, then the approval to proceed requires to be revoked. The list of properties in Appendix One details all of those that have been resolved and reoccupied without the need to complete the process and vest them within the Council's ownership. All now require the revocation of the compulsory purchase action by the Council.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members were originally consulted on the compulsory purchase actions against the properties within their wards. They have been informed of the outcome of the action previously on the individual properties listed in Appendix One.
- 4.1.2 Colleagues in Legal services have been consulted in relation to this report and request for revocation of previous approvals. They will undertake the legal process to formally revoke the previous actions.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A full Equality Diversity Cohesion Integration Impact Assessment has been undertaken on all aspects of the Empty Homes Strategy 2012/5. Each of the initial approvals for the properties listed in Appendix One was subject to individual assessments.
- 4.2.2 An EDCI impact assessment screening form has been completed and attached as Appendix Two to this report.

4.3 Council policies and City Priorities

- 4.3.1 One of the Council's main priorities is to increase the supply of affordable homes. Addressing empty homes contributes to this increase in supply. The Housing and Regeneration Board actively monitors progress against this Council priority.

4.4 Resources and value for money

- 4.4.1 Resources to deal with the compulsory purchase of empty homes are available within the Housing Partnership's Empty Homes Team and within the Legal Services. The West Yorkshire Recycling Empties Programme provided the capital to allow these properties to be subject to this action.
- 4.4.2 Returning empty homes provides a home for an individual or family that previously was not being used, removes a potential blight to a neighbourhood and can contribute to the Council's New Home Bonus calculation and income.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Council no longer wishes to pursue compulsory purchase action against the properties listed in Appendix One. As this action is no longer being pursued then the previous approvals require to be revoked as per the Housing Act 1985.

4.5.2 Failure to revoke the compulsory purchase action will have legal implications as it may affect the owners' ability to dispose of their property, raise finance etc. which may lead to potential future action against the Council.

4.6 Risk Management

4.6.1 The properties have been brought back into occupation by their owners. The previously approved compulsory purchase action is no longer warranted as the Council has achieved the desired outcome of bringing an empty home back into use.

5 Conclusions

5.1 The use of compulsory purchase action is a valuable tool to help the Council bring empty homes back into use. Sometimes the threat or the commencement of this action is sufficient for owners to resolve the problem without the need to vest properties in the Council's ownership.

5.2 Once compulsory purchase action is no longer required as a means to return an empty home into use then the Council should revoke the approval to make this order so as to not affect the owners' future ability to manage and deal with their property.

6 Recommendations

6.1 The Director of Environment and Housing is recommended to

6.2 Agree the formal revocation of approval for compulsory purchase action under the Housing Act 1985 for all the properties listed in Appendix One of this report

6.3 Authorise the City Solicitor to withdraw the application for a Compulsory Purchase Order under the provisions of Part II of the Housing Act 1985 for all properties listed in Appendix One of this report.

7 Background documents¹

7.1 Appendix One – A list of all properties subject to previous approval for compulsory purchase action under Section 17 and Part II of the Housing Act 1985

7.2 Appendix Two – EDCI Screening Form

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.