

Report of: HEAD OF HEAD OF HOUSING PARTNERSHIPS

Report to: DIRECTOR OF ENVIRONMENT AND HOUSING

Date: 27TH NOVEMBER 2014

Subject: HOUSING ACT 1985: PROPOSED COMPULSORY PURCHASE ORDER
17 CLAREMONT TERRACE, ARMLEY, LEEDS LS12 3EB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Armley		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input 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. Section 17 of the Housing Act 1985 gives Local Authorities the power to acquire buildings and land through compulsory purchase for the purpose of providing housing accommodation.
2. The property being proposed for compulsory purchase is 17 Claremont Terrace, Armley, Leeds LS12 3EB, a brick built mid-terraced back-to-back house of traditional solid wall construction with a pitched slate roof. It was built in the early 20th century and is located within the Armley area.
3. The property is in a semi-derelict condition. In its present condition the property has a market value of £35,000 with repair costs estimated to be around £37,000 inclusive of VAT.
4. Council Tax records indicate that the property has been vacant since 1st April 2012.

5. Land Registry records indicate that the present owner obtained ownership on 17th June 1999.

Recommendations

6. It is recommended that the Council seeks to acquire the residential property known as 17 Claremont Terrace, Armley, Leeds LS12 3EB by means of compulsory purchase, as its renovation and reoccupation is only likely to be achieved through the intervention of the Council. Once acquired, the Council subsequently will dispose of the property in line with the agreed disposal mechanism for properties acquired through compulsory purchase (see Appendix 6).

1 Purpose of this report

- 1.1 The report recommends that the Council seeks to acquire by compulsory purchase under the provisions of Part II and Section 17 of the Housing Act 1985, a semi-derelict vacant residential property known as 17 Claremont Terrace, Armley, Leeds LS12 3EB.
- 1.2 Once acquired, the property will be sold as per the agreed process for disposal of empty properties acquired through compulsory purchase (see Appendix 6).

2 Background information

- 2.1 17 Claremont Terrace, Armley, Leeds LS12 3EB is a brick built mid-terraced back-to-back house of traditional solid wall construction under a pitched slate roof with a blue welsh slate covering. It was built in the early 20th century and is located within the Armley area (see Appendix 2, plan showing the position of the property in relation to the Armley area).
- 2.2 The premises comprise 4 storeys, including the attic and cellar. The cellar is likely to have been used for storage rather than human habitation. It has not been possible to carry out an internal inspection due to the potentially unsafe condition of the property and being unable to contact the owner. The accommodation includes an attic bedroom on the second floor, a bedroom and a bathroom on the first floor a living room and a scullery kitchen on the ground floor. The property benefits from a garden to the front elevation.

3 Main issues

- 3.1 17 Claremont Terrace, Armley, Leeds LS12 3EB is registered with Nottingham Land Registry. Their records show that the present owner registered their interest in June 1999 (see Appendix 1: Confidential information). There is a registered charge against the property to secure moneys advanced.
- 3.2 Council Tax records show that the property has been empty since at least April 2012. The present whereabouts of the owner are unknown.
- 3.3 The property has been the subject of complaints from neighbours and local residents regarding its deteriorating condition and adverse effect upon neighbouring and adjoining properties. The Council has found it necessary to serve the owner with statutory notices in relation to the property being open to unauthorised access, accumulations of refuse and overgrown vegetation. Between 2010 and 2014 the Council has served the owner with notices under the Local Government (Miscellaneous Provisions) Act, 1982 requiring him to secure the property. Notices were also served under the Town and Country Planning

legislation requiring the cutting back of overgrown vegetation and the removal of accumulations of refuse. The notices were not complied and the Council subsequently carried out the work in default of the owner.

- 3.4 In April 2014 the Council's Empty Homes Team received a complaint alleging that the dormer window was completely missing allowing the elements of the weather to penetrate the property resulting in damp to an adjoining property. The complainant also reported refuse and overgrown vegetation. An investigation confirmed the complainant's allegations. The property had become overrun by the climbing woody plant Hedera, commonly known as ivy. The plant had taken hold of the external wall of the property. A formal notice under the Town and Planning legislation was served on the owner requiring the cutting back of the overgrown vegetation and removal of any refuse from within the boundary of the property. The Notice was not complied and consequently the Council carried out the work in default of the owner.
- 3.5 Having cleared the overgrown vegetation from the external wall, it became apparent that the property was open to unauthorised access and subsequently was made secure through the Council's work in default procedure.
- 3.6 17 Claremont Terrace is in a semi-derelict condition and will require a programme of extensive renovation to include replacement windows, entrance door, installation of a central heating system, a full rewire, a new bathroom and kitchen facilities. The property has been open to the elements of the weather for a prolonged period and as a consequence the timbers are likely to have been affected adversely. The cost of repairs to bring the property to a habitable standard has been estimated to be around £37,000 including VAT.
- 3.7 In its current state, the property is blight on the area and has a negative impact on the immediate neighbourhood. It has the potential to attract anti-social behaviour and to adversely affect community safety as well as having a negative impact on local property prices.
- 3.8 It has not been possible to engage with the owner as his whereabouts are unknown. Given the neglect and apparent abandonment of the property, it is unlikely to be renovated and reoccupied without the intervention of the Council. In its current semi-derelict state the property will continue to have a negative impact on the area and mental wellbeing of the local residents.
- 3.9 Enforced Sale has been considered but the outstanding debt is considered too low to pursue that course of action. The property is located in an area where there is a demand for affordable homes (see Appendix 3).
- 3.10 The options available to the Council are to do nothing or to instigate the Compulsory Purchase Order procedure.

- 3.11 Officers have concluded that the renovation and reoccupation of 17 Claremont Terrace, Armley, Leeds LS12 3EB is unlikely to be achieved without the intervention of the Council, the most appropriate action being to instigate Compulsory Purchase Order procedures. To not act would result in the further deterioration of conditions at the property with consequences as detailed in section 4.6.6.
- 3.12 Once the property is acquired by the Council it will be disposed in line with the agreed process for disposal of private sector long term empty properties acquired through compulsory purchase (see Appendix 6).
- 3.13 The Council has received an enquiry from a member of the public enquiring about the availability of the property for purchase.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted on 6th November 2014 regarding the proposal to compulsory purchase 17 Claremont Terrace, Armley, Leeds LS12 3EB. Those who responded gave their support for the proposed action.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An 'Equality, Diversity, Cohesion and Integration Screening' form has been completed and is attached as Appendix 5. This shows that there is not an impact on equality, diversity, cohesion and integration through the actions proposed in this report. There is no existing or likely differential impact for the different equality characteristics, no existing or likely public concerns about the proposal, no likely effect on council activities or employment practices and no likely effect on unlawful discrimination, equality of opportunity, or fostering good relations. A full EDCI Impact Assessment on the work done for the Empty Property Strategy has been completed.

4.3 Council policies and City Priorities

- 4.3.1 The action proposed is in line with council's policy in respect of empty properties and is contributing to the following targets and priority in the Council's Policy Framework:
- Reducing the number of long term empty properties
 - Reducing crime levels and their impact across Leeds

- Effectively tackling and reducing anti-social behaviour in our communities
- Increasing a sense of belonging that builds cohesive and harmonious communities
- Increasing affordable homes within sustainable neighbourhoods
- Improving the quality of the environment
- Improving housing conditions and energy efficiency

4.4 Resources and value for money

- 4.4.1 The property has been valued at £35,000.
- 4.4.2 The Compulsory Purchase expenditure will be met from the Leeds Neighbourhood Approach approved fund subject to receiving panel's approval.
- 4.4.3 All monies recovered will be recycled back into the Leeds Neighbourhood Approach approved fund.
- 4.4.4 The proposals contained in the report do have implications under Section 17 of the Crime and Disorder Act 1998 in that the compulsory purchase, sale, refurbishment and reoccupation of the property will reduce the incidence of vandalism and anti-social behaviour in the vicinity of Claremont Terrace.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Council has considered whether the powers it seeks to exercise are compatible with the European Convention of Human Rights, in particular Article 8 (respect for private family life and home) and Article 8 of the first Protocol of the Convention (right to peaceful enjoyment of possession). The recommended decision strikes a clear balance between the public interest in securing the refurbishment and reoccupation of this property and the interference with private rights, which will arise if a Compulsory Purchase Order is made, confirmed and implemented. It has concluded that there is a compelling case in the public interest for the acquisition of the land and property, and that this outweighs the loss that will be suffered by the existing property owner(s). This Compulsory Purchase Order action follows existing legislative provisions in respect of the making and confirming of a Compulsory Purchase Order and the payment of compensation where applicable, and as such, the Council considers this to be compatible with the Convention.
- 4.5.2 Scrutiny process is not necessary under the ruling.

4.5.3 Confidential information is listed in Appendix 1

4.6 Risk Management

4.6.1 The property will be acquired compulsorily and this may be challenged in law.

4.6.2 The time difference between acquisition and disposal together with changing market conditions may affect the value of the property, up or down. The risk could be reduced if the process is implemented promptly.

4.6.3 There is a risk to the Council in not dealing with empty properties, both in the way Central Government assesses our strategic housing performance and the way residents perceive the ability of the Council to intervene in the problems that are of concern to them.

4.6.4 Although it is unlikely, the acquired property may, whilst in the Council's possession, fall into such a condition that the Council may have to demolish it. Should this happen, the Council may have to bear the cost of its demolition.

4.6.5 It is unlikely that the purchaser, whether the council, a Registered Provider or a private individual would fail to bring the property back into use as per contractual agreement. Should they fail to carry out the works within a specified time, the Council may have to re-purchase the property with a view to re-selling.

4.6.6 Consequences of not going ahead with this scheme:

- Risk to local community safety due to a potentially dangerous property.
- Decreased in market value of surrounding housing stock
- Increasing incidents of vandalism.
- Adverse publicity due to property attracting crime and other anti-social behaviour such as illegal dumping of refuse and drug use.
- Loss of local community confidence.
- Delay to regeneration and economic development project in the Armley area.
- Failure to meet departmental objectives in which the council aims to work together with key partners to improve conditions in which people live and strive towards neighbourhoods that are clean, safe, well maintained and sustainable for the future.
- Further reduction on affordable housing within the Armley area.

5 Conclusions

- 5.1 17 Claremont Terrace, Armley, Leeds LS12 3EB has been vacant since at least April 2012 and is in a semi-derelict condition. The owner has failed to maintain the property.
- 5.2 The property is located in the Armley area, where public and private finances have been invested in properties and environmental improvements. It is essential that confidence in the area is maintained to encourage further investment and maintain the stability of the community. The existence of a semi-dilapidated long term vacant property such as 17 Claremont Terrace can have a significant detrimental effect.
- 5.3 The registered owner has not maintained the property. He appears to have abandoned it. His whereabouts are unknown. Enforced Sale Procedure has been considered as there is debt registered against the property. However, this is considered too low to pursue that course of action. The alternative to Compulsory Purchase Order action appears to be to leave the property to deteriorate further but that is not acceptable.
- 5.4 It is the view of officers that renovation and reoccupation of 17 Claremont Terrace, Armley, Leeds LS12 3EB is unlikely to be achieved without the intervention of the Council, the most appropriate action being to instigate Compulsory Purchase Order procedures.
- 5.5 The compulsory purchase expenditure will be met from the Leeds Neighbourhood Approach approved fund subject to receiving panel's approval.

6 Recommendations

The Director of Environment and Housing is recommended to:-

- 6.1 Instruct officers to instigate Compulsory Purchase Order action under the provisions of Part II and Section 17 of the Housing Act 1985 against the premises known as 17 Claremont Terrace, Armley, Leeds LS12 3EB.
- 6.2 Subject to the confirmation of the Order the property will be disposed of in line with the agreed disposal mechanism for properties obtained through compulsory purchase (Appendix 6).
- 6.3 Authorise the allocation of funds from the Leeds Neighbourhood Approach approved fund to meet any claim by the title holder of the property that may arise subsequently.
- 6.4 Authorise the City Solicitor to prepare a Compulsory Purchase Order under the provisions of Part II and Section 17 of the Housing Act 1985, and that the

Common Seal of the Council be affixed thereto and to the Order Map and that the City Solicitor, be further authorised to make application to the Department of Communities and Local Government for confirmation of the Order.

7 Background documents¹

Appendix 1 Confidential information

Appendix 2 Plan to show the property in relation to the Armley area

Appendix 3 Number of applications on the Leeds Homes Register

Appendix 4 Photographs of the subject property

Appendix 5 Equality, Diversity, Cohesion and Integration Screening form

Appendix 6 Disposal process for long term empty private sector properties

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.