

## Report of Service Manager, Private Sector Housing, Housing Partnerships

### Report to Director of Resources and Housing

**Date: 14<sup>th</sup> March 2018**

**Subject: The revocation of permissions to procedure with compulsory purchase action under Section 17 of 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): Armley, Burmantofts and Richmond Hill, Alwoodley.		
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. One of the Council's main priorities to is to address the issue of empty homes in order to increase the supply of affordable homes within the city. As part of the Empty Homes Strategy 2016/9 the Council proactively targets empty homes and takes steps to return them to occupation. This includes the use of compulsory purchase order 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 with compulsory purchase, 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 Resources and Housing.
3. However despite commencing compulsory purchase not all properties are vested within the Council's ownership. In some instances, the owner(s) will address their empty home prior to this occurring. There are a number of cases where this has occurred and Appendix 1 provides a list of the properties concerned.
4. Once an owner has brought a property back into use without the need for the Council to vest the property in its ownership, the Compulsory Purchase Order action is required to be formally revoked.

## **Recommendations**

5. It is recommended that the Director of Resources 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 1 of this report.

### **1 Purpose of this report**

- 1.1 The purpose of the report is to request the Director of Resources and Housing to formally revoke previously approved compulsory purchase action under Section 17 and Part II of the Housing Act 1985 for the properties listed in Appendix 1.

### **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 2016/9 details the actions the Council and partners currently take to bring properties back into occupation. There are a 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 Resources 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. Appendix 1 details those properties that have been resolved and reoccupied without the need to complete the compulsory purchase process to vest them in the Council's ownership. These now require the Council to revoke the compulsory purchase action.

### **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. The relevant Councillors have been informed of the proposed revocation procedures.
- 4.1.2 Adrian Hardy (Legal Services Solicitor) has been consulted in relation to this report and request for revocation of previous approvals. He 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 2016/9. Each of the initial approvals for the properties listed in Appendix 1 was subject to individual assessments.

## **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 and links to the Housing Growth and Jobs for Young People council priority. Returning empty homes forms part of the Core Planning Strategy with a target of maintaining the empty homes figure below 3,777.

## **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 and Loans Team and within the Legal Services.
- 4.4.2 Returning empty homes provides a home for an individual or family; 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 1 and as such the previous approvals are required 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.
- 4.5.3 The report is not eligible for Call-In.

## **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 Resources 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 1 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 1 of this report.

## **7 Background documents<sup>1</sup>**

- 7.1 Appendix 1 – A list of all properties subject to previous approval for compulsory purchase action under Section 17 and Part II of the Housing Act 1985

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<sup>1</sup> 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