

# The Empty Homes Programme

## REPORT TO EXECUTIVE



DATE	14 <sup>th</sup> July 2021
PORTFOLIO	Housing and Leisure
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### PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
2. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy and scheme of delegation or to Calico Homes as appropriate.

### RECOMMENDATION

3. That the Head of Housing and Development Control in consultation with the relevant Executive Member 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 (77 Tarleton Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (1 Laburnum Close Burnley) Compulsory Purchase Order 2021
  - The Burnley (11 Fifth Avenue Burnley) Compulsory Purchase Order 2021
  - The Burnley (40 Caernarvon Avenue Burnley) Compulsory Purchase Order 2021
  - The Burnley (10 Ruskin Avenue Padiham Burnley) Compulsory Purchase Order 2021
  - The Burnley (28 Spencer Street Padiham Burnley) Compulsory Purchase Order 2021
  - The Burnley (14-16 Boundary Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (9 Fir Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (23 Harley Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (17 Pritchard Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (26 Pritchard Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (13 Grange Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (75 Lindsay Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (15 Brush Street Burnley) Compulsory Purchase Order 2021
  - The Burnley (6 Waterbarn Street Burnley) Compulsory Purchase Order 2021
4. That the Head of Legal and Democratic Services be authorised to agree terms for the 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.

5. To authorise the Head of Legal and Democratic Services 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.
6. Subject to confirmation by the Secretary of State to authorise the Head of Legal and Democratic Services to secure full title to and possession of the CPO land as appropriate by:
  - Serving notice of confirmation of the CPO on all interested parties
  - Serving notice of intention to execute a General Vesting Declaration
  - Executing the General Vesting Declaration
  - Serving Notices to Treat and/or Entry as appropriate
  - Acquiring land and interests by agreement if possible
7. That the Executive authorises the tendering of any renovation works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
8. That the Executive approves that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

<b>REASONS FOR RECOMMENDATION</b>
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9. The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing it back into housing use.
10. These properties are long term vacant properties, being empty, in one case for 19 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.

*77 Tarleton Street Burnley vacant since 18<sup>th</sup> September 2009*

*1 Laburnum Close Burnley vacant since 17 March 2017*

*11 Fifth Avenue Burnley vacant since 12<sup>th</sup> April 2018*

*40 Caernarvon Avenue Burnley vacant since 15<sup>th</sup> February 2007*

*10 Ruskin Avenue Padiham Burnley vacant since 2<sup>nd</sup> May 2016*

*28 Spenser Street Padiham Burnley vacant since 1<sup>st</sup> May 2017*

*14-16 Boundary Street Burnley vacant since 19<sup>th</sup> October 2015*

*9 Fir Street Burnley vacant since 29<sup>th</sup> May 2017*

*23 Harley Street Burnley vacant since 17<sup>th</sup> May 2012*

*17 Pritchard Street Burnley vacant since 26<sup>th</sup> April 2018*

*26 Pritchard Street Burnley vacant since 1<sup>st</sup> September 2009*

*13 Grange Street Burnley vacant since 10<sup>th</sup> March 2008*

*75 Lindsay Street Burnley vacant since 1<sup>st</sup> September 2007*

*15 Brush Street Burnley vacant since 6<sup>th</sup> August 2001*

*6 Waterbarn Street Burnley vacant since 22<sup>nd</sup> August 2016*

Through the Vacant Property Initiative and Empty Homes Programme over 130 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

## **SUMMARY OF KEY POINTS**

11. The Empty Homes Programme (EHP) is an established project and is an amalgamation of programmes used over the last several years. The initiative identifies properties that have been vacant for a long period of time and which are causing problems for neighbouring properties and local residents, mainly supporting the seven current Selective Licensing designations but also borough wide.
12. In 2011 there were 2,824 empty homes in the borough, the EHP addresses the most problematic empty homes, seeing numbers reduce significantly over the years to 1,907 in 2020 which is, 4.6% of the overall housing stock. Despite this reduction the number of empty homes is still higher than those in Lancashire (3.3%). The EHP continues to work with owners and partners to reduce the number of empty properties in Burnley further.
13. Negotiations for the acquisition of the properties have not yet commenced on the majority of the properties 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.
14. Where owners contact us, we will work with them to reach an agreement for bringing the property back in to use preventing the need for a CPO. If agreement cannot be reached satisfactorily, the council will use the CPO power as a last resort to ensure the property is brought back in to use.
15. If the owners do not come forward to receive their market value compensation within a six year period then we can no longer be held to account for the compensation monies as the Limitation Act 1980 comes into force.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

16. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2021/22. It is not envisaged that all the CPOs listed in this report will be made in this financial year as properties may be brought back in to use by owners prior to making the CPO or properties may be bought by agreement.
17. The majority of the cost associated with the programme are made up of two elements, buying the property and the renovation cost. We can reasonably assume, given past experience, that the selling prices for the properties above would vary from between £55,000 to around £150,000 once renovated. We can also assume that we would need to spend around £35,000 renovating each of the properties.
18. Throughout this financial year properties will be chosen from the list above, as well as any other approved lists later in the year, that will ensure that the entire budget for 2021/22 is committed by year end.
19. Any receipts generated from the sale of properties will be recycled back into the programme to enable the purchase and renovation of more problem properties.

<b>POLICY IMPLICATIONS</b>
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20. Overall, the proposed action will help to achieve the Council's strategic plan of "People Places Prosperity and Performance". The acquisition and renovation of the vacant properties will enable the Council to bring them back into use, which will improve the environment for residents in the vicinity of the vacant properties by reducing the potential for crime and anti-social behaviour.
21. 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.
22. It is anticipated that the recommendations in this report will have no further policy implications.

<b>DETAILS OF CONSULTATION</b>
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23. None

<b>BACKGROUND PAPERS</b>
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24. None

<b>FURTHER INFORMATION</b>
<b>PLEASE CONTACT:</b>

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