

The Empty Homes Programme

REPORT TO EXECUTIVE



DATE	13th July 2022
PORTFOLIO	Housing and Leisure
REPORT AUTHOR	John Killion
TEL NO	3188
EMAIL	jkillion@burnley.gov.uk

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.
3. To seek approval for a programme of external property Facelifting works on Albion Street Padiham, Wytham Street Padiham, and to the rears of Windsor Street and Ivory Street.
4. To seek approval to build a property on the site of 10A Briercliffe Road, suitable for a family with a disabled member (subject to necessary permissions from Planning etc) using Better Care Funding.

RECOMMENDATION

5. 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 (18 Russell Terrace Padiham Burnley) Compulsory Purchase Order 2022
 The Burnley (22 Wythburn Close Burnley) Compulsory Purchase Order 2022
 The Burnley (25 Crow Wood Burnley) Compulsory Purchase Order 2022
 The Burnley (38 Woodbine Road Burnley) Compulsory Purchase Order 2022
 The Burnley (12 Herbert Street Burnley) Compulsory Purchase Order 2022
 The Burnley (39 Herbert Street Burnley) Compulsory Purchase Order 2022
 The Burnley (47 Piccadilly Road Burnley) Compulsory Purchase Order 2022
 The Burnley (7 Parkinson Street Burnley) Compulsory Purchase Order 2022
 The Burnley (80 Reed Street Burnley) Compulsory Purchase Order 2022
 The Burnley (17 Thurston Street Burnley) Compulsory Purchase Order 2022
 The Burnley (23 Thurston Street Burnley) Compulsory Purchase Order 2022
 The Burnley (25 Thurston Street Burnley) Compulsory Purchase Order 2022
 The Burnley (24 Newman Street Burnley) Compulsory Purchase Order 2022
 The Burnley (10A Briercliffe Road Burnley) Compulsory Purchase Order 2022

The Burnley (91 Basnett Street Burnley) Compulsory Purchase Order 2022
The Burnley (18 Raglan Road Burnley) Compulsory Purchase Order 2022

6. 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.
7. 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.
8. 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
9. That the Executive authorises the tendering of any renovation/building works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
10. 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.

REASONS FOR RECOMMENDATION

11. 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.
12. 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.

18 Russell Terrace Padiham Burnley vacant since 11th February 2020
22 Wythburn Close Burnley vacant for approximately 4 years
25 Crow Wood Burnley vacant since 14th October 2016
38 Woodbine Road Burnley vacant since 30th June 2017
12 Herbert Street Burnley vacant since 14th January 2013
39 Herbert Street Burnley vacant since 19th January 2013
47 Piccadilly Road Burnley vacant since 12th February 1996
7 Parkinson Street Burnley vacant since 21st January 2011
80 Reed Street Burnley vacant since 22nd April 2019

17 Thurston Street Burnley vacant since 9th November 2017
23 Thurston Street Burnley vacant since 15th May 2012
25 Thurston Street Burnley vacant since 21st March 1998
24 Newman Street Burnley vacant since 3rd July 2020
10A Briercliffe Road Burnley vacant since at least 2008
91 Basnett Street Burnley vacant since 1st March 2015
18 Raglan Road Burnley vacant since 13th September 2017

13. To use facelifting as a regeneration tool in certain areas to improve the external appearance of blocks, to assist in raising property values, to assist in raising demand and so reducing the number of empty properties and to encourage complementary investment in the properties by their owners.
14. To further improve the appearance of key gateways and main thoroughfares.
15. Through the Vacant Property Initiative and Empty Homes Programme over 150 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

16. 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 five current Selective Licensing designations but also borough wide.
17. Since the inception of the programme in 2004, the number of empty properties reached its height in 2009 when there were 3232 empties. Since then, the number has steadily fallen and last year reached the new low figure of 1832.
18. 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.
19. 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.
20. 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.
21. The main purpose of facelifting schemes are to contribute to the transformation of the housing market, give confidence to the community in a neighbourhood through works to external elevations of sustainable homes including works such as stone cleaning, siliconing, pointing and gutter replacement to front and gable curtilages.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

22. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2022/23. 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.
23. 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 £65,000 to around £175,000 once renovated. We can also assume that we would need to spend around £40,000 renovating each of the properties (maybe as much as £50,000 in one or two cases).
24. 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 2022/23 is committed by year end.
25. 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.
26. Enquiries are currently being made on several fronts regarding the land at 10A Briercliffe Road. Officers are exploring the possibility of using Better Care funding to build a property on the land. This would be used to house a family with a disabled member.
27. Initial estimates on the cost of drawings/planning permission are around £2,000. The cost of building the property to be met from Better Care Funds.
28. The required funding for the Facelifting works in this report are estimated to be in the region of £300-350,000. This will be met from the 22/23 budget.

POLICY IMPLICATIONS

29. 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.
30. 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.
31. It is anticipated that the recommendations in this report will have no further policy implications.

DETAILS OF CONSULTATION

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT:

John Killion (Project Officer Vacants)

01282 425011 Ext. 3188

ALSO:

Clare Jackson (Private Sector Housing Manager)

01282 477231 Ext. 7231