

The Empty Homes Programme

REPORT TO EXECUTIVE



DATE	12th July 2023
PORTFOLIO	Housing and Green Spaces
REPORT AUTHOR	John Killion
TEL NO	475886
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.

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 (7 Cameron Street Burnley) Compulsory Purchase Order 2023
The Burnley (34 Piccadilly Road Burnley) Compulsory Purchase Order 2023
The Burnley (34 Fraser Street Burnley) Compulsory Purchase Order 2023
The Burnley (8 Gill Street Burnley) Compulsory Purchase Order 2023
The Burnley (14 Graham Street Padiham Burnley) Compulsory Purchase Order 2023
The Burnley (66 Caernarvon Avenue Burnley) Compulsory Purchase Order 2023
The Burnley (25 Lawrence Street Padiham Burnley) Compulsory Purchase Order 2023
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/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.
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.

REASONS FOR RECOMMENDATION

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. The majority of the properties are long term vacant properties, being empty, in one case for 26 years. One of the more recently vacant properties is on this list as the owner has advised the council that he plans to take no action to bring the property back in to use. 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. The Caernarvon Avenue property is on the list as local residents report that some of the former occupants have returned on a number of occasions over the last few months and used the property as a 'party house'. On inspection it was evident that the property had been vandalised internally.

7 Cameron Street Burnley vacant since 22nd May 1997

34 Piccadilly Road Burnley vacant since 1st August 2008

34 Fraser Street Burnley vacant since 6th April 2020

8 Gill Street Burnley vacant 17th December 2021

14 Graham Street Padiham Burnley vacant since 28th February 2022

66 Caernarvon Avenue Burnley vacant since 12th December 2022

25 Lawrence Street Padiham Burnley vacant since 23rd May 2023

11. 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

12. 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.

13. Since the financial year 22/23, and as part of the Council's commitment to reduce carbon emissions, all properties renovated under the Empty Homes Scheme have a retrofit assessment carried out. This identifies the best solutions to fit to the property to reduce emissions.
14. 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 fallen to nearly half the numbers reported in 2009. Last year the figure was 1867 (4.42%), a slight increase from the year before of 1832 (4.48%). However, the number of long-term empties (over 6 months empty) in the borough continues to reduce from 1139 in 2017 to 658 in 2022, these properties are the ones the empty homes programme targets as they tend to cause the greatest problems and are unlikely to be brought back into use without the Council's intervention.
15. 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.
16. 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.
17. If the owners do not come forward to receive their market value compensation within a six year period then the Council can no longer be held to account for the compensation monies as the Limitation Act 1980 comes into force.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

18. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2023/24. 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.
19. 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 £130,000 once renovated. We can also assume that we would need to spend around £42,000 renovating each of the properties.
20. Throughout the financial year properties will be chosen from the list above. Any properties not selected this year will be placed in next year's programme and use the associated budget.
21. 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.

POLICY IMPLICATIONS

22. 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.
23. 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.
24. It is anticipated that the recommendations in this report will have no further policy implications.

DETAILS OF CONSULTATION

25. None

BACKGROUND PAPERS

26. None

FURTHER INFORMATION

PLEASE CONTACT:

John Killion (Team Leader Empty Homes)
01282 475886

ALSO:

Clare Jackson (Private Sector Housing Manager)
01282 477231