

The Empty Homes Programme

REPORT TO EXECUTIVE



DATE	16th August 2023
PORTFOLIO	Housing and Development Control
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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 (4 Oat Street Padiham) Compulsory Purchase Order 2023
The Burnley (32 Hurtley Street 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/trustees of these properties have been contacted and have either not responded at all or due to circumstances beyond their control are unable to sell the property with a view that it would be brought back in to use.
10. The listed properties are long term vacant properties, being empty, in one case it is understood for some 16 years. Council Officers have inspected the properties and verified that they are vacant, one of the properties is in serious disrepair and has recently been served notices in respect of pest control with no response. Without intervention by the Council through acquisition by agreement or compulsory purchase 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 Burnley (4 Oat Street Padiham) vacant since 25th March 2016

The Burnley (32 Hurtley Street Burnley) vacant since 28th September 2007

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 Councils 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. The Executive will note that a previous report was brought in July 2023, seeking approval for several compulsory purchases at that time, we could not include these due to pursuing acquisition by agreement which has been unsuccessful due to complications with the title in respect of one property and the owner not responding to attempts at contact with the other, leaving the Council no other alternative but to pursue compulsory purchase.
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.
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 £70,000 to around £85,000 once renovated. We can also assume that we would need to spend around £42,000 renovating each of the properties.
20. 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

21. 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.
22. 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.

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

DETAILS OF CONSULTATION

24. None

BACKGROUND PAPERS

25. None

FURTHER INFORMATION

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