

LONDON BOROUGH OF HARROW

Meeting:	Cabinet
Date:	17 February 2004
Subject:	Compulsory Purchase Order – 8 Carlton Avenue, Kenton
Key decision:	No
Responsible Chief Officer:	Director of Professional Services (Urban Living)
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part 1
Ward:	Kenton West and all wards
Enclosures:	None

1. Summary

- 1.1 This report seeks approval for the making of a Compulsory Purchase Order (CPO) pursuant to s.17 of the Housing Act 1985 to bring back into use 8 Carlton Avenue, Kenton; a long-term empty property.
- 1.2 Report also request authority for Borough Solicitor to proceed with requisitions for information under Section 16 Local Government (Miscellaneous Provisions) Act 1976 for empty properties where it is believed that pursuing Compulsory Purchase Order action is the only option available to officers.

2. Recommendations

- 2.1 To authorise a compulsory purchase order under sections 17.(1)(b) and 578 of the Housing Act 1985.**
- 2.2 That the reasons for making the order be its long term empty status, its condition, and the Council's intention to bring it back into residential use, and such other ancillary case as the Borough Solicitor considers appropriate.**
- 2.3 That the Borough Solicitor be authorised to make and seal the order, serve notice of it, submit it for confirmation, deal with any objections including a Public Inquiry, and upon confirmation as he considers appropriate either seal a General Vesting Declaration and take all steps in connection therewith or serve notices to treat and of entry.**
- 2.4 That all other action considered necessary by the Borough Solicitor be authorised including the service of notices requiring information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and prosecution in the event of failure to reply to such a notice or give false information.**
- 2.5 To delegate to the Borough Solicitor authority in any other empty property cases where the Council or officers are considering compulsory purchase the powers to serve notices requiring information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and to prosecute for failure to reply to such a notice or give false information**

REASON: In line with Council's Empty Homes Strategy, this action is being sought as a last resort to bring this property back into beneficial use, following protracted attempts at negotiations and numerous complaints from local residents.

Consultation with Ward Councillors

An advance copy of this report was sent to Kenton West ward councillors.

3. Policy Context (including Relevant Previous Decisions)

- 3.1 The Council launched its Empty Homes Strategy in 1996, the key priority being to reduce the number of empty homes in the Borough. At the current time it is estimated that there are in the region of 1000 properties in the Borough that have been empty for longer than 6 months**
- 3.2 At its meeting on 17 September 1998, the Housing Committee agreed that Compulsory Purchase Order (CPO) powers under the Housing Act 1985 should be used in appropriate circumstances to assist with the Council's Empty Homes Strategy, where no other course of action was available and all efforts at returning the property to use through any voluntary schemes had been unsuccessful.**
- 3.3 A revised Empty Homes Strategy was adopted on 2 December 2002 by Environment & Economy Scrutiny Sub-Committee.**
- 3.4 At the current time there are a number of cases where investigations are on-going, and it is estimated that of these as a last resort, it may be necessary to commence CPO proceedings against a further 5 cases.**

4. **Relevance to Corporate Priorities**

4.1 The Empty Homes Strategy supports a number of corporate priorities. By carrying out Compulsory Purchase Order action to attempt to bring this property back into use, the following corporate priorities will be met:

- We will enhance the environment in Harrow by keeping the Borough clean and attractive, by promoting higher environmental standards
- We will develop a prosperous and sustainable economy in Harrow ...supporting regeneration through active community and business involvement
- We will improve the quality of health and social care in Harrow ...by ensuring appropriate levels of safe care and support for those not able to live independently, and by enabling choice and access to good quality housing.
- We will strengthen Harrow's local communities by promoting social inclusion... by seeking to eradicate poverty and by reducing the fear of crime.

5. **Background Information and options considered**

5.1 8 Carlton Avenue, Kenton is a 3 bedroomed, 2 storey semi detached house built in 1942. The property is believed to have been empty since February 2000.

5.2 A number of complaints have been received by officers since 2001 from neighbours regarding the condition of the property and its detrimental effect on the local environment.

5.3 In July 2001 the property was subject to an arson attack, which caused extensive damage to the property, rendering it uninhabitable. Contact with the registered owner was made and the options available to assist bringing this property back into use were discussed.

5.4 In 2002 the property remained empty, and subject to further complaints from local residents regarding the overgrown gardens, rodent infestations and fly tipping. A notice was served on 22 January 2002 under the Prevention of Damage by Pests Act 1949 (section 4) to remove rubbish from the front and rear of the property, and Local Government (Miscellaneous Provisions) Act 1984 (section 29) to board up the property and prevent any further unauthorised access. Due to non-compliance with these orders works were carried out in default by the London Borough of Harrow. The owner advised Council officers that he would be looking to sell the property.

5.5 Complaints continued into 2003 and the property was subject to significant publicity due to the impact it was having on the local street-scene, appearing in the Harrow Observer and as the subject of a Channel 4 documentary. Two further Notices were served on 6 March 2003 and 24 April 2003 under the Prevention of Damage by Pests Act 1949 (section 4) to once again remove rubbish from the front and rear of the property.

5.6 The owner once again indicated a willingness to sell the property following meetings with officers arranged for the front and back gardens to be cleared again. At this time the owner was provided with a list of investors and developers who had expressed an interest in refurbishing this property.

5.7 Despite further attempts to assist the owner to bring this property back into beneficial use or to dispose of the property, it remains empty. Following further complaints in December 2003, further Notices were served under the Building Act 1984 (section 59) to repair the broken manhole in the front garden and the Local Government (Miscellaneous Provisions) Act 1984 (section 29) to board up the property and prevent any further unauthorised access on 12 January 2004. If not complied with works will be undertaken in default.

5.8 As a last resort officers are therefore proposing to take CPO action in order to bring this property back into beneficial use. Where CPO proceedings have been commenced in similar circumstances, officers have found that owners have been willing to negotiate to bring the property back into use rather than risk losing the property. In the one case where Secretary of State granted CPO to the Council the owner has let the property to private tenants avoiding the need for the Council to purchase the property.

6. **Consultation**

6.1 Not applicable

7. **Finance Observations**

7.1 As outlined in point 5.8 officers believe that the threat of commencement of CPO action is likely to be sufficient to ensure that the property is brought back into use. In this situation there would be little or no costs to the Council, other than officer time.

7.2 Initial funding for any CPO acquisition would need to use the Council's capital resources. However it is proposed that the onward sale, preferably to a Registered Social Landlord, would result in the Council receiving a capital receipt.

7.3 Where a compulsorily acquired property is to be disposed of, the objective would be to recover the purchase costs through a back-to-back sale of the property. The Council would incur its own costs in terms of officer time and the professional fees of the owner plus any statutory interest. The capital receipt on disposal would not be subject to any set aside rules and would be 100% re-usable.

7.4 Any works in default charges previously incurred by the Council and secured by a charge against the property would be recoverable from the proceeds of the sale.

8. **Legal Observations**

8.1 Legal implications are contained within the body of this report.

9. **Conclusion**

9.1 In light of previous support for use of enforcement action as a last resort in attempting to bring empty properties back into use, and in light of circumstances outlined earlier in this report, officers seek authority to proceed with Compulsory Purchase Order action to bring this property back into beneficial use.

9.2 In order to proceed with such action against similar cases, initially officers require delegated authority to serve notices against owners of these properties. Authority for the Borough Solicitor to proceed with requisitions for information under Section 16 Local Government (Miscellaneous Provisions) Act 1976 for empty properties is therefore sought where CPO action is the only option available to officers, subject to approval by relevant portfolio holder.

10. **Background Papers**

- 10.1 Report to Housing Committee, 17 September 1998
- 10.2 Report to Environment & Economy Scrutiny Sub-Committee, 2 December 2002
- 10.3 Empty Homes Strategy

11. **Author**

- 11.1 Nick Caprara, Empty Property Officer
Tel: 020 8424 1096
Email: nick.caprara@harrow.gov.uk