



Author/Lead Officer of Report: Neil Dunk

Tel: 273 4585

Report of: Laraine Manley

Report to: Cabinet

Date of Decision:

Subject: THE CITY OF SHEFFIELD (45 Marchwood Road)
COMPULSORY PURCHASE ORDER 2019

<p>Is this a Key Decision? If Yes, reason Key Decision:-</p> <ul style="list-style-type: none"> - Expenditure and/or savings over £500,000 - Affects 2 or more Wards 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Which Cabinet Member Portfolio does this relate to? Neighbourhoods and Community Safety</p> <p>Which Scrutiny and Policy Development Committee does this relate to? Safer and Stronger Communities</p>	
<p>Has an Equality Impact Assessment (EIA) been undertaken?</p> <p>If YES, what EIA reference number has it been given? 581</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Does the report contain confidential or exempt information?</p> <p>If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-</p> <p><i>“Appendix 4 is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

Purpose of Report:

The purpose of this report is to seek authority to make a Compulsory Purchase Order in respect of 45 Marchwood Road, Sheffield, S6 5LB (the Property) to allow it to be renovated and occupied. There is demand for this type of property within the area. The Property is empty and has a particularly detrimental effect on the neighbourhood in this area. Compulsory Purchase is the most appropriate course of action.

Recommendations:

R1) That authority be given to the Council to make a Compulsory Purchase Order ("CPO") under the powers conferred by Section 17 Housing Act 1985 to acquire all land interests in respect of the land coloured pink as shown on the Order Map, attached at Appendix 3, with title 'The City of Sheffield (45 Marchwood Road) Compulsory Purchase Order 2019' (the "Order Land").

R2) That the Director of Legal & Governance be authorised to make the CPO for the Order Land, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:

- a) Finalising the attached draft Statement of Reasons, at Appendix 1;
- b) Serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;
- c) To submit the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
- d) To self-confirm the CPO if authorised to do by the Secretary of State.

R3) That the Director of Legal & Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations.

R4) As soon as the CPO is confirmed by the Secretary of State or self -confirmed where authorised by the Secretary of State, to advertise the confirmation of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative, the Director of Legal & Governance in consultation with the Executive Director of Resources be authorised to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity and to thereafter serve all necessary documents and notices of the vesting of the Order Land in the Council.

R5) That the Executive Director Place, in consultation with the Director of Legal & Governance and the Executive Director of Resources be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or supporting the promotion of confirmation of the CPO including the preparation of and giving of evidence at any public inquiry.

R6) That the Chief Property Officer be authorised to agree terms for the acquisition of Order Land and to instruct the Director of Legal and Governance to complete the necessary documents.

R7) That upon the completion of the acquisition of Order Land, the Chief Property Officer negotiates the disposal of the land and be authorized to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Karen Jones
	Legal: Brendan Twomey
Equalities: Louise Nunn	
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: Laraine Manley
3	Cabinet Member consulted: Paul Wood
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: <i>Neil Dunk</i>
	Job Title: <i>Legal & Policy Officer</i>
Date: <i>4 September 2019</i>	

1. PROPOSAL

- 1.1 The proposal is to compulsorily purchase 45 Marchwood Road in order for the Property to be refurbished and brought back into use. The reason for this proposal is that, due to the lack of progress from the owner in carrying out refurbishment of the Property, along with any meaningful proposals for bringing it back into occupation, the Council believes that the Property will remain in a state of serious disrepair and unoccupied without Council intervention. Obtaining a compulsory purchase order (CPO) will enable the Property to be disposed of on the open market for a new owner to renovate and arrange to be occupied. The Council has powers to make a CPO for the acquisition of land for the purpose of providing housing. This power includes the acquisition of empty properties as an option of last resort where there appears to be no other prospect of those empty properties being brought back into use. The Statement of Reasons sets out the reasons why the Council wishes to purchase the Property.
- 1.2 The Council's preferred option for disposal is by auction. There is a buoyant property market within the area which is detailed in the Statement of Reasons.
- 1.3 The Property is a three bed roomed, semi-detached house of brick cavity walled, tile roofed construction and has been empty since at least March 2012 when officers from the Council's Council Tax section visited the property. A plan of the land proposed to be acquired has been prepared entitled "Map referred in The City of Sheffield (45 Marchwood Road) Compulsory Purchase Order 2019" which is displayed at appendix 3 to this report and submitted to Cabinet for approval. This map shows the land to be acquired coloured pink.
- 1.4 The Property is in a very poor state of repair, both externally and internally, with category 1 hazards present of damp & mould and excess cold.
- 1.5 Since the Council's Private Housing Standards team's initial visit to the Property in 2016, there have been a total of five complaints regarding the condition of the Property and associated anti-social behaviour.
- 1.6 The Council has written to the owner on a number of occasions, with four letters sent in 2018, attempting to engage with the owner in order to seek a voluntary solution to the serious disrepair of this Property. Despite the owner's responses and claims that work would be undertaken, there has been no satisfactory progress made by the owner in refurbishing the Property.
- 1.7 In March 2018, an Improvement Notice was served on the owner due to the presence of category 1 hazards at the Property, requiring the owner to take action to remedy the hazards. The hazards observed were damp and mould and excess cold. The Property was inspected under a Warrant of Entry on 17 June 2019 and no works to comply with this notice had been carried out.
- 1.8 In October 2018, the Council wrote to the owner advising that the Council's intention was to seek a CPO in respect of the Property but, as an alternative, the Council would offer to purchase the Property by agreement at its open

market value. The Council repeated this offer to purchase the Property by agreement in a letter sent to the owner in July 2019. No response was received to these offers.

- 1.9 The Council's proposals, including further details on the property, its history and previous Council involvement, are included in the Statement of Reasons set out in Appendix 1 to this report.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 This proposal supports the following Councils objective set out in its Corporate Plan 2015 -18.

Thriving Neighbourhoods and Communities

- 2.2 Long term empty properties commonly attract anti-social behaviour thus increasing the fear of crime for neighbours. Typically, gardens are used to dump refuse, windows are smashed, doors are forced open and the property used for criminal activity, including drug taking. Once these activities commence, the condition of the property quickly deteriorates, further increasing the negative effect of the property on the neighbourhood.
- 2.3 The Property has experienced some of these problems. The Council has received a number of complaints in respect of the property, including reports that the property has been broken into on two separate occasions in February and March 2017. In March 2017, another neighbour reported intruders had been climbing over her car in order to gain access to the Property and this had made her feel anxious and intimidated. Enabling the property to be put back into occupation will remove these negative impacts on the local community.
- 2.4 The Council is committed to increasing the availability of residential accommodation within Sheffield and states 2,125 new private sector homes are needed each year. Bringing empty properties back into occupation supports this goal of increased housing provision in the city.
- 2.5 Over half a million people live in Sheffield. Of those, around 75% of households are in the private sector; either as an owner occupier or a private renter (Source: 2011 Census for Sheffield). <https://www.sheffield.gov.uk/your-city-council/sheffield-profile/population-and-health/2011-census.html>. There is a growing population in Sheffield (Source: 2011 Census for Sheffield) <https://www.sheffield.gov.uk/your-city-council/sheffield-profile/population-and-health/2011-census/key-statistics.html>) which puts an increased strain on demand for good quality, affordable housing. Once refurbished and brought back onto the market, it will provide more housing choice for families wanting to live in the area.
- 2.6 Many people in Sheffield choose to live in the city long term, with nearly three quarters of people moving home within the city's boundary. (Source: *Sheffield City Council Corporate Plan 2015-18*) However, in recent years, the house

building rate has fallen substantially compared to pre-recession rates (Source: *State of Sheffield reports* - <https://www.sheffieldfirst.com/key-documents/state-of-sheffield.html>).

2.7 Although it is not illegal for owners to leave their property empty, the Council chooses to work pro-actively in bringing problematic empty properties back into use. By tackling such empty properties in this manner, it demonstrates the Council's commitment to acting pro-actively in preventing such a waste of housing provision and the many negative effects empty properties can have on a neighbourhood.

Strong Economy

2.8 Bringing long term empty properties back into occupation increases the local population and thereby contributes towards creating conditions for local businesses to grow. The success of local businesses acts as a catalyst in attracting further investment and with it, economic growth.

Better Health and Wellbeing

2.9 The poor state of repair of the Property and the associated anti-social behaviour (ASB) exhibited has a negative effect on neighbouring properties, impacting on the health and wellbeing of the occupiers. Bringing this Property back into occupation will reduce the opportunity for ASB and improve the perception of safety.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 There is no statutory requirement to consult on these proposals. However, neighbours of the Property have made repeated complaints regarding the condition of this Property and the Council has engaged with them to discuss their concerns.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

In carrying out any of its functions, the Council needs to be mindful of the Public Sector Equality Duty ('PSED') contained in Section 149 of the Equality Act 2010. Amongst other things this duty requires the Council to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race; religion or belief, sex and sexual orientation. The Council in the development of these proposals has had regard to its PSED and considers that the proposals do not give rise to any equality issues under this duty. See Equality Impact Assessment in Appendix 2.

4.2 Financial and Commercial Implications

The Council will be required to pay compensation to the current owner based upon the open market value of the Property in the condition that the Property is in at the time the Council take possession. The Council will also be required to pay the surveyors and legal fees and the costs of public notices which are incurred as a result of the compulsory purchase. The owner may also be entitled to a basic loss payment of 7.5% of the open market value. The Council will incur costs and expects to recover these from the sale proceeds.

The costs are detailed in Appendix 4 and will be met out of Private Housing Standards' budget. It is anticipated that the cost of the purchase price will be met from the sale proceeds and the Private Housing Standards budget will be refunded to that degree.

Officer time relating to this proposal will be met from already approved Private Housing Standard budgets.

4.3 Legal Implications

Under s17 Housing Act 1985 the Council has powers to make a CPO for the acquisition of land for the purpose of providing housing. This power includes the acquisition of empty properties where there appears to be no other prospect of those empty properties being brought back into use. The Statement of Reasons attached as Appendix 1 to this report sets out the reasons why the Council wishes to purchase the Property. It also sets out the justification for compulsory purchase, and addresses the Human Rights implications.

The Council, to enable it to make the CPO, is required to take certain actions, including serving a notice of the making of the CPO, on all relevant parties and submitting the CPO to the Secretary of State, for approval. The report recommendations provide the necessary authority for the exercise of these functions.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Demolition

The Property is in a state of disrepair empowering the Council to take various steps to remedy the problem, including renovation and demolition. As the Property is a semi-detached house, the demolition option would not be practical as support is required to the adjacent property. Demolition will not result in the provision of housing as it is believed that it is unlikely the owner would rebuild should this option be taken.

5.2 Renovation

The Council's Private Housing Standards team first visited the Property in December 2016 and found it be vacant. From this date, the Council has not observed or received any information that the property has been occupied.

The owner has taken inadequate steps to prevent its deterioration despite the Council writing on several occasions to the owner to express their concern over the condition of the property and asking for the owner to explain his intentions for renovation and bringing the property back into occupation. Additionally, in March 2018, an Improvement Notice was served on the owner in order to remove Category 1 Hazards observed at the Property. No action has been taken in response to this notice as was noted during an inspection of the Property on 17 June 2019. It is therefore unlikely, should the Council do works in default, that this would result in the improvements to the Property being sustained. In those circumstances this option would be a poor use of limited resources and unlikely to achieve its purpose.

5.3 Empty Dwelling Management Orders

These orders enable the Council to effectively step into the shoes of the owner and manage the property. To utilise this option, the Council will need to apply to the First-tier Tribunal for authority to make an interim Empty Dwelling Management Order (EDMO), carry out significant repairs, prepare an appropriate statutory compliant tenancy agreement and with the owner's permission, let the Property and manage the tenancy. Further, if the owner did not agree to the Property being let, the Council would need to make a final EDMO, enabling it to let the Property without the owner's permission. Given that regular complaints about the Property have been received from concerned neighbours since December 2016, it is felt that the time it would take for an EDMO process to be concluded would result in an unreasonable delay in removing the negative impact this Property has had on these neighbours and the local community.

5.4 Purchase by Agreement

The Council have actively pursued this option which would have enabled it to sell the Property at auction, so that it could be renovated and reoccupied. On 2 October 2018 and again on 17 July 2019, the Council wrote to the owner to offer to purchase the property by agreement. No response was received by the Council to these letters.

5.5 Compulsory Purchase

All attempts at working with the owner have failed, as detailed in the Statement of Reasons. Due to the owner's failure to take proper action, the Property, for which there is a demand, has remained in a poor state of repair for a significant period and there is little prospect of it being brought back into occupation. For these reasons, Compulsory Purchase is the preferred option.

6. REASONS FOR RECOMMENDATIONS

6.1 The property has been vacant since at least 2012 and is in a poor state of repair, attracting anti-social behaviour and is having a negative impact on the

local community. There is a demand for this type of property within Sheffield and the Council has, with limited success, attempted to engage with the property owner, in an effort to get the property back into occupation, including offers to purchase the property by agreement. In addition, particularly in respect of recent enforcement action taken by the Council, the owner has failed to take reasonable steps to make the property safe. In those circumstances, as an option of last resort, the Council consider, to ensure to property is put back into occupation, that it is appropriate to seek a CPO in respect of the property.