

REPORT OF: **PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER**

TO: **EXECUTIVE**

DATES: **25th JUNE 2015**

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**THE BOROUGH OF PENDLE (16 MOSLEY STREET, BARNOLDSWICK)
COMPULSORY PURCHASE ORDER 2015**

PURPOSE OF REPORT

To amend the resolution to ensure that it is robust for the CPO process.

RECOMMENDATIONS

- (1) To make the Borough of Pendle (16 Mosley Street, Barnoldswick) Compulsory Purchase Order 2015 under Section 17 of the Housing Act 1985 and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended) for the acquisition of all interests in land and premises described in this report and on the site shown edged by a thick black line on the Map in Appendix 1 attached to this report, for the purpose of bringing an empty dwelling house back into use.
- (2) Authorise appropriate officers of the council to take any necessary steps to prepare the documentation required to make The Borough of Pendle (16 Mosley Street, Barnoldswick) Compulsory Purchase Order 2015 under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981 (as amended).
- (3) Authorise officers of the Council to take any such steps as may be required to promote with a view to securing the confirmation and subsequent implementation of the above aforementioned Order, such steps are to include, but be exclusive to the following:-
 - (a) Affix the Common Seal of the Council to the Compulsory Purchase Order and Map.
 - (b) Issue and serve all statutory notices.
 - (c) Submit all necessary documentation to the Secretary of State for Communities and Local Government in seeking to obtain confirmation of the Orders.
 - (d) Negotiate and approving agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed CPO had been in place.
 - (e) Agree in advance the withdrawal of objections to the CPO (where appropriate).
 - (f) Present the council's case at any public inquiry or through written representations as appropriate.

- (g) Represent the Council's case at Parliament should Special Parliamentary Procedure be invoked as part of the confirmation process.
 - (h) Make and affix the Common Seal of the council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto.
 - (i) Represent the council on compensation matters connected with this CPO to the Upper Tribunal (Lands Chamber).
- (4) That a reserve of £25,000 be made in case an owner comes forward after the CPO is confirmed.

REASON FOR RECOMMENDATIONS

To ensure that the recommendation gives all the necessary powers under the Compulsory Purchase legislation.

ISSUE

1. A report was taken to the Executive in May 2015 regarding the above property. The resolution agreed that the property should be compulsorily purchased. Subsequent to this we have had legal advice that the resolution needs to be amended so that it is in line with Government guidance on CPO procedures.
2. The effect of the proposed wording is the same as the resolution that has already been taken. There are no other implications arising from the revisions. The Executive is recommended to agree the resolution.

IMPLICATIONS

Policy: None

Financial: The cost of either repairing the building or compulsorily purchasing it will have to be financed. The CPO costs would be an unrecoverable expense. The costs of purchasing the property would be zero unless an owner comes forward.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.