

**REPORT OF:** HOUSING, HEALTH AND ECONOMIC DEVELOPMENT  
SERVICES MANAGER

**TO:** POLICY AND RESOURCES COMMITTEE

**DATES:** 23<sup>rd</sup> OCTOBER, 2018

**Contact Details:** Paul Lloyd Environmental Health Manager

**Tel. No:** 01282 661029

**E-mail:** paul.lloyd@pendle.gov.uk

**32 RHODA STREET, NELSON**

#### **PURPOSE OF REPORT**

To inform the Committee of the position regarding 32 Rhoda Street, Nelson and to seek approval to start compulsory purchase proceedings.

#### **RECOMMENDATIONS**

- (1) That the Committee accepts the principle of the compulsory purchase of 32 Rhoda Street, Nelson.
- (2) That the Head of Legal Services be authorised to:
  - (i) to take the initial steps in connection with making of a Compulsory Purchase Order under section 17 of the Housing Act 1985 including the services of preliminary notices and preparation of a Statement of Case in connection with the proposed Order
  - (ii) To report back to Committee seeking formal authority to proceed with the proposed Compulsory Purchase Order once the preliminary works have been completed.
- (3) That compulsory purchase of this property does not breach the Human Rights Act 1998 and is proportionate in all the circumstances.

#### **REASON FOR RECOMMENDATION**

To bring an unoccupied and decaying property back into residential use and to improve the amenity of the area.

#### **ISSUE**

32 Rhoda Street is a property that was highlighted in the report submitted to the council's Executive on the 15<sup>th</sup> March 2018 as one that should be considered for Compulsory Purchase due to the length of time it has been empty.

The house is known to have been empty for at least seven years and there appears to have been no attempt to improve or maintain the property.

32 Rhoda Street is a two storey mid terraced, garden fronted house with stone elevations under a slate pitched roof, and with brick built kitchen extension and yard to the rear.

At the front there are stone steps leading up to a timber front door. The windows are UPVC double glazed and one of the panes is smashed.

To the rear there is a wall enclosed yard which has no gate which has resulted in a number of incidents involving fly-tipping. Window and door openings on the ground floor have been boarded up. The timber framed windows on the first floor are rotten and the glazing to one of them has been smashed. Adjoining the kitchen extension is a small outhouse which has no roof.

Internal access to the property has not been possible but it is evident by viewing through the front living room window that floorboards have been removed. There is no evidence of the property having either been visited or maintained and attempts to contact the executor in writing have been ignored.

The following options are available:

**We could do nothing.** Under these circumstances the property will continue to decay and have a material impact on the properties either side

**An Empty Dwelling Management Order could be used.** This would be very costly and the Council would only be able to recover part of the costs incurred, as it is unlikely the executor would agree to repay any debit after the order had expired as she has ignored all attempts to engage with her to date.

**We can seek to compulsorily purchase the house and take it into the Councils ownership.** We would then sell the property in an unimproved condition with a development agreement to ensure that it was renovated. This would allow us to recover the costs incurred in acquiring it.

Compulsory Purchase is a power that we should use as a last resort. The executor has been unwilling to engage with the Council to bring the property back in to occupation and has not made any attempts to improve the property which leaves us with no alternative if we want the house to be occupied. This is therefore recommended as the best option.

## **IMPLICATIONS**

**Policy:** There are no policy issues arising from this report.

**Financial:** The proposal is to acquire this property as part of planned Compulsory Purchases funded from the empty property loan fund as agreed by the Councils Executive on the 15<sup>th</sup> March 2018

**Legal:** A compulsory purchase order needs to be served

**Risk Management:** None

**Health and Safety:** As empty houses attract anti-social behaviour there are potential risks to officers inspecting these properties. However there are departmental risk assessments in place to minimise the hazards associated with these properties

**Sustainability:** The Management of empty houses will result in a valuable resource being brought back into use.

**Community Safety:** Long term empty properties attract anti-social behaviour and fly tipping. Bringing this property back into use will these activities around this property.

**Equality and Diversity:** None

## **APPENDICES**

### **LIST OF BACKGROUND PAPERS**