

MEETING TITLE AND DATE:

Council 06/04/11

REPORT OF:

Director of Health, Housing and Adult Social Care

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Agenda – Part: 1	Item: 12
<p>Subject: EMPTY PROPERTY COMPULSORY PURCHASE ORDERS (CPO VI) Wards: ALL</p>	
<p>Cabinet Members consulted: Cllr Del Goddard, Regeneration and Improving Localities Cllr Ahmet Oykener, Housing and Area Improvements</p>	

1. EXECUTIVE SUMMARY

This report invites Council to authorise Officers to make Compulsory Purchase Orders (CPOs) on three empty residential properties whose owners have proved un-responsive to attempts by Officers to bring them back into residential use. The recommendations set out in this report were endorsed at the Cabinet meeting held on 09 March 2011.

2. RECOMMENDATIONS

Council are asked to **authorise:**

- 2.1 the making of three Compulsory Purchase Orders (Orders) in respect of the following properties under Section 17 of the *Housing Act 1985* and the *Acquisition of Land Act 1981* (as amended by the *Planning and Compulsory Purchase Act 2004*): 11 St John’s Terrace, EN2 9AQ, 35 Kingsway, EN3 4HS, and 42 Lion Road, N9 9DW, as shown on the plans (appendices 1-3) attached to the report;
- 2.2 the preparation of Orders, and supporting documentation and the taking of all necessary steps (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the Orders by the Secretary of State;
- 2.3 the acquisition of the properties (either compulsorily or by agreement) following confirmation of the Orders, the payment of compensation and statutory interest and the instituting or defending of proceedings where necessary; and
- 2.4 the disposal of the properties in accordance with the Property Procedure Rules.

3.0 INTRODUCTION: AN ENABLEMENT AND ENFORCEMENT APPROACH

- 3.1. The Ongoing Commitment: The Borough implements its *Empty Property Strategy* to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list currently stands at around 6,200 (excluding transfers already in social housing). The Borough has an acute housing shortage. A housing market assessment completed in 2010 found that the total annual need is estimated to be 4,200 homes for the next five years. The annual supply is estimated at 2,120, leaving a net need of 2,100 homes per annum. An estimated 2,200 households require a three bedroom property or larger. At current levels of supply it would take 29 years to clear this existing backlog of demand. Enfield's corporate *Housing Strategy 2005-2010* contains a target to reduce the number of empty properties by encouragement and enforcement as well as identifying the use of CPOs where appropriate to maximise the use of the Borough's housing stock. The Council's 2010 *Making Enfield Better* manifesto pledges to employ compulsory purchase to return empty homes that "scar the environment" to use.
- 3.2. London Context of Enfield's Empty Property Strategy: *The London Housing Strategy* (February 2010) recognises that where encouragement measures fail to bring empty properties into use, "The Mayor encourages boroughs to use their powers of enforcement through legal sanctions, including the use of Compulsory Purchase Orders and EDMOs (Empty Dwelling Management Orders)." The strategy views such work as a tool for increasing supply in London, aiming: "To deliver and maintain a reduction in the number of long term empty and derelict buildings - transforming these into homes for Londoners". In 2008-2011, the Mayor directed £60 million of Targeted Funding Stream (TFS) resources to support boroughs bring empty homes back into use. At the time of writing (26 January 2011), there is uncertainty about what level of funding may be available after March 2011.
- 3.3. Programme Delivery: The *Empty Property Strategy* is implemented by the Empty Property Team, comprising of the Empty Property Enforcement Officer (EPEO), who is seconded from the North London Sub-Region (NLSR), and the Empty Property Officer (EPO). Enfield continues to work in partnership with its NLSR partners (Haringey, Islington, Camden, Barnet and Westminster) and Sub-Regional staff to tackle empty properties. Within Enfield, the EPO, EPEO and Head of Private Sector Housing, oversee the day-to-day running of the strategy and meet on a weekly basis. They work in partnership with the representatives of Environmental Health, Legal, Property Services, Finance, Council Tax, Christian Action Housing Association, Planning and RSL Enablement. Legal and Property Services, in particular, play a significant role in processing CPOs, acquisition and disposal.
- 3.4. Enablement: The EPO, targets advice, support and grant assistance by way of the Grants and Nominations Scheme (GANS) at owners of empty accommodation, encouraging them to bring their properties back into use. Enfield receives supporting funding for the GANS scheme via partnership working with the NLSR, however, as indicated in 3.2, there is uncertainty about what level of funding may be available after March 2011.

- 3.5. Enforcement: The Use of Compulsory Powers report approved by Cabinet in 2003, states that where encouragement and assistance have been exhausted, enforcement action will be considered. Since 2007, 20 CPOs have been approved by Enfield. A total of 14 CPOs have been confirmed by the Secretary of State to date, demonstrating the success of the programme. Enfield has disposed of properties acquired by CPO within a few months. Encouragingly, the new owners have swiftly proceeded with renovation works. This proactive strategy has placed Enfield at the forefront of London's campaign to reduce the blight of long term empty properties.
- 3.6. NLSR Funding Support: Each CPO approved by the Council attracts a capital allocation from the NLSR of £20k. The 20 CPOs approved by Enfield to date have attracted a total of £372k. This allocation is intended to cover enforcement expenditure, i.e. Legal and Property Services costs and the salary of the EPEO. Council on 26 January 2011 (CPO V report) authorised Officers to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the NLSR is reduced or ceases in 2011/12 and thereafter.
- 3.7. Review of the 1997 Empty Property Strategy: In light of experience of implementing the CPO programme since its launch in 2007, a new *Empty Property Policy* is under development that intends to shape the future direction of empty property work in the Borough.
- 3.8. Sustaining an Enforcement Climate: There is ongoing evidence that a real threat of CPO is motivating some previously intractable owners into action. Continuing the CPO programme together with ongoing publicity is expected to perpetuate this enforcement climate. Mirroring experience of CPO work elsewhere, Enfield Officers have found that when Orders are *actually* made on properties, most owners eventually belatedly offer to renovate and occupy their properties by doing works themselves or selling. To ensure that owners do not renege on 11th hour proposals, the Council uses legally enforceable cross-undertaking agreements which negate the need for public inquiries and the associated costs (see 3.11 for more information about undertakings). The upshot is that the Council does not have to take possession and disposal action in relation to every property subject to a confirmed CPO.

The Properties Recommended for CPO: 11 St John's Terrace, EN2 9AQ, 35 Kingsway, EN3 4HS, and 42 Lion Road, N9 9DW

- 3.9. Details of each property, including a case history, valuation and plan, are contained in appendices 1-3.
- 3.10. Officers have already served (and are in the process of serving) a number of statutory notices in respect of the properties that still have effect. The purpose of these notices is to identify the works necessary to make the properties free of category 1 hazards (what used to be described as "fit for habitation") and in reasonable repair, and highlight steps to remedy conditions that adversely affect the amenity of the area. Although these works are unlikely to be carried out by the current owners, after compulsory acquisition and disposal, future owners (social or private sector) will be expected to carry out the required works.

- 3.11. If an owner belatedly starts work, CPO action will continue until such time that works have been fully completed and the property returned to *full continuous residential occupation* to the satisfaction of the Council. In addition, each owner has the opportunity to enter into a legally enforceable cross-undertaking agreement with the Council to achieve a mutually satisfactory outcome. This would mean that the Council undertakes not to implement the CPO within the agreed time period, but if the owner fails to carry out works, then the CPO is confirmed without objection. This negates the need for a Public Local Inquiry and all the costs involved in the Inquiry process. Where owners enter into a cross-undertaking, they will be expected to submit proposals of the works to be done and execute all works necessary to meet the Government's "Decent Homes Standard".
- 3.12. Compulsory purchase provides the only realistic prospect of these properties being brought back into residential use in the foreseeable future. The best contribution to the Council's quantitative and qualitative housing need would be achieved if these empty properties were returned to use for the purpose of low cost social housing. It is therefore recommended that the properties are offered, in the first instance, to an RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishing the properties, then the properties will be offered for disposal to the private sector at auction or through other acceptable disposal. Sale will be subject to a covenant to ensure the properties are fully renovated and occupied within a defined timescale.

Budget Implications of CPO Activity

- 3.13. The total value of these three properties is estimated at £685k based on current indicative valuations (assuming a reasonable state of repair). Once the CPOs are confirmed, title can be obtained after three months under a General Vesting Declaration (GVD). Properties are re-valued at the time the Council takes possession. The properties will be sold on to an RSL, at auction, or through other acceptable disposal. The compensation payable to a dispossessed owner is based on the market value of the property. An owner could make a claim on the Council for up to 90% of the Council's valuation immediately after the date of possession. This must be paid within three months of the claimant's written request.
- 3.14. Full Council on 26 January 2011 (CPO V report) agreed a revenue mechanism to address any interim costs incurred in the disposal process, i.e. an outstanding mortgage or early compensation claim (see 3.13). In practice, most properties subject to CPO are sold on prior to compensation being claimed. There should be minimal delay between acquisition and disposal and therefore the costs associated with these CPOs are revenue since they do not provide any ongoing economic benefit to the Council. (See Financial Implications at 6.1.3.)
- 3.15. Where an owner cannot be traced, there is a statutory process that provides for unclaimed compensation to be paid into court. After a full period of 12 years following the date of the payment, section 29 of the *Local Government*

(Miscellaneous Provisions) Act 1967 enables the Council to make an application to the High Court to have the money transferred back to it.

- 3.16. The *Planning and Compulsory Purchase Act 2004* introduced an entitlement for former owners to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. The Act provides that the entitlement to basic loss payment is lost if the following criteria are all met at the time the CPO is confirmed:
- a specified statutory notice/order has been served on the owner;
 - the statutory notice/order has effect or is operative; and
 - the owner has failed to comply with any requirement of the statutory notice/order.

If the owners of the above three properties do not comply with the notices before the CPOs are confirmed, basic loss payments will not be payable. To date, only two confirmed CPOs are liable to potential basic loss payment claims, and a third confirmed CPO may follow if the owner breaches the cross-undertaking agreement. Full Council on 26 January 2011 (CPO V report) agreed to set aside an initial contingency pot of £86k to address potential claims. It is likely that as the empty property enforcement programme progresses, less properties will require the service of a statutory notice and the risk of having to make basic loss payments may therefore increase.

Associated Non-Recoverable Revenue Costs

- 3.17 An Empty Property Enforcement Officer (EPEO) employed by the NLSR has been progressing the borough's empty property enforcement work. Annual salary cost is £26k.
- 3.18 Legal Services: The in-house legal costs for processing the Orders are estimated at £4k per property. If there are objections and a Public Local Inquiry is required, a further cost of around £10k per property will be incurred.
- 3.19 Property Services: In-house property disposal costs (including inspection, valuation, insurance, liaison with legal services, negotiations with the owner / purchaser, security and maintenance) are estimated at £3,500 per property. This estimate does not allow for the possibility of a contested valuation, which could go to the Lands Tribunal. If sale to the private sector via auction is chosen, the auctioneer's fees are estimated at 1% per property inclusive.
- 3.20 Total estimated Legal and Property Services costs: The overall estimated Legal and Property Services costs per property (including possible Public Local Inquiry costs and an auction fee of around £2.5k) are £20k. It should be noted that so far only three out of the 20 approved CPOs have required a Public Local Inquiry. It should also be noted that the aforementioned costs exclude Admin expenses, Legal fees to evict unauthorised occupiers, etc.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 All attempts to negotiate with, and assist the owners of the above properties to return them back into use have been exhausted. An assessment of the most appropriate course of enforcement action was therefore carried out. All

options were considered, namely, service of legal notices, enforced sale, EDMOs and compulsory acquisition. The latter was deemed the most appropriate under the circumstances and will achieve a permanent solution.

- 4.2 The other option the Council might pursue is to do nothing. This will avoid budgetary implications, but is not recommended in the light of Council's priorities. By failing to take the proposed action, empty and eyesore properties remain untouched and residences with category 1 hazards remain. Enfield's regeneration strategy is impaired and the Council:
- ceases to recover any outstanding money it is owed on properties;
 - sends out a signal that if owners ignore the Council, it will "go away";
 - will not attract the investment on building works that accompanies this programme; and
 - will not be able to achieve lasting change on these properties.

5. REASON FOR RECOMMENDATIONS

The compulsory purchase of the above properties, and their subsequent onward sale, will produce a quantitative and qualitative gain to the borough's housing stock, will assist in the achievement of the Council's housing strategies and will turn existing eyesores into much needed homes. They will address the Council's strategic supply, regeneration and sustainability objectives, together with the Mayor of London's expectations cited above.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 This report seeks agreement to proceed with three Compulsory Purchase Orders. The revenue cost of processing CPO orders is set at £20,000 each for which grant funding can be applied for through the NLSR in 2010/11. Enfield Council receives its CPO funding through the NLSR who in turn received its budget via a bidding process from the GLA. Enfield has a nominal allocation of £350k set aside by the NLSR in 2010/11 for empty property work (CPOs and GANS assistance). Once the CPOs in this report are approved by Cabinet, Enfield can claim an amount of £20k per property from the NLSR allocation. CPO expenditure details are outlined below:

Revenue implications 2010/11	Cost of CPOs, £
Legal costs	4,000
Property Services disposal costs	2,000
Security and maintenance costs	1,500
Auctioneer's fees (1% of property valuation)	2,500
Public Local Inquiry if there are objections	10,000
Cost of processing 1 CPO	<u>20,000</u>
Total cost (£20,000 x 3)	60,000
Funded by income from Sub-Regional Funding	-60,000

- 6.1.2 There is a potential cost for basic loss payments as set out in paragraph 3.16 above. To date, only two confirmed CPOs are liable to potential basic loss payment claims, and a third confirmed CPO may follow if the owner breaches the cross-undertaking agreement. Council on 26 January 2011 (CPO V report) agreed to set aside an initial contingency pot of £86k to address potential claims. This amount will be funded from the Council's corporate contingency.
- 6.1.3 Title can be obtained under a General Vesting Declaration. On acquisition it is preferred that a pre-selected RSL will purchase the property from LBE immediately. However, if no such RSL is available there may be a minor time delay between acquisition and disposal, possibly at auction. If the property market falls between these two points in time there may be some loss of capital. The acquisition of a property and the disposal should be almost simultaneous and therefore the costs associated with CPOs in this context are revenue and would not qualify as capital since they do not provide any ongoing economic benefit to the Council. Any time difference in the cash flows to the Council will be recognised as debtors or creditors at the year end and an assessment will be made based on the circumstances prevailing at 31 March 2011 of the extent to which the Council's costs are recoverable.
- 6.1.4 There is no indication as yet of any grant funding in 2011/12 and at least 11 of the previously approved 20 CPOs have the potential to incur further expenditure before a satisfactory outcome can be achieved. £252k funding is currently available in 2010/11 to finalise the CPOs previously agreed and in progress.

6.2 Legal Implications

The Council has the power under Section 17 of the *Housing Act 1985* to compulsorily acquire land, houses or other properties for the provision of housing accommodation.

In exercising this power, the Council would need to demonstrate that the acquisition of these properties achieves a quantitative or qualitative housing gain. It would also have to confirm its proposals for the future disposal of the properties to prove that such proposals will secure the return of the properties to a habitable standard and back into use. Current practice is to dispose of such properties to the private or social sector with a contractual obligation to bring the premises up to a habitable standard within a defined timescale.

In order to acquire legal title to the properties to facilitate their early disposal, the General Vesting Declaration procedure is recommended as the appropriate process to be adopted following confirmation of the Orders rather than the Notice to Treat procedure.

Once the properties have been vested in the Council, the disposal of them would need to be in accordance with the Council's Property Procedure Rules

In disposing of the properties, it is unlikely that the full costs of the initiation and implementation of the entire CPO process will be recouped and therefore a budget will have to be identified to meet these additional costs.

In respect of Human Rights, the Convention rights applicable to making of the Order are Article 1: Protection of Property, Article 6: Right to a Fair Trial and Article 8: Right to Respect Private Life and Family. It is not anticipated that Human Rights issues will be successfully raised in relation to these proposals.

6.3 Property Implications

It cannot be guaranteed that the capital funding for acquisition will be replaced entirely on disposal. As stated, the costs of the CPO process will be met out of revenue and in-house costs have been estimated. However, claimants are entitled to seek payment of their own reasonable legal and surveyor's fees as part of the compensation. It should be noted that in the event of the necessity of a referral to the Lands Tribunal to determine CPO compensation, additional costs may be substantial. If the disposal is to a RSL, it is important that the pre-selection of the RSL complies with the Council's Property Procedure Rules.

If a sale to the private sector by auction is chosen, then the auctioneer's fees will have to be taken into account, together with other relevant costs.

7. KEY RISKS

7.1 By taking the action proposed, the Council incurs the following risks:

- Refusal by the Secretary of State to confirm any CPO submitted.
- Although only likely to happen in the event of a sudden collapse in the property market, it is possible that a valuation may be higher than the resale value of the property. Any resulting shortfall would have to be funded from Council resources. (See Financial Implications under 6.1.3.)
- If the Council fails to deal with empty properties, it risks both a negative assessment of its strategic housing performance by Central Government and the Mayor of London and negative perception by residents of its ability to tackle the problems associated with empty properties.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The compulsory purchase of the above properties, and their subsequent onward sale, will contribute towards the Council's strategic and manifesto commitment to return empty homes that scar the environment to meet the needs of each area.

8.2 Growth and Sustainability

The compulsory acquisition and onward sale of these properties will produce a quantitative and qualitative gain to the borough's housing stock, will assist in the achievement of the Council's *Empty Property Strategy* and corporate *Housing Strategy 2005-2010*, thus addressing the Council's strategic regeneration and supply objectives, together with the Mayor of London's 2010 *London Housing Strategy*. In particular, tackling empty homes impacts on the

local economy by attracting investment in building works (and associated employment opportunities) and generates revenue once vacant properties are reoccupied.

8.3 Strong Communities

Empty property can have a serious negative effect on the local community. In June of 2003 a survey produced by *Hometrack*, showed that empty properties devalue neighbouring properties by as much as 18%. Typical neighbourhood complaints associated with empty properties include accumulations of rubbish, rodent infestations, overgrown gardens and unsecured premises (attracting anti-social behaviour such as vandalism, drug taking and arson), all issues that mar the street scene and impact on saleability and property value. Bringing these properties back into use will inspire confidence in the locality and be a positive step in regeneration.

9.0 PERFORMANCE MANAGEMENT IMPLICATIONS OF THE CPO PROGRAMME

- Enforcement action to tackle vacant private housing where owners are unwilling or unable to return them to use, contributes towards regeneration, building sustainable communities and meeting local needs.
- Properties returned to use can minimise demand for Council resources, enabling these to be focused on other priorities. For instance, there will be a reduction in service requests as empty properties attract a disproportionate number of complaints to Members and Council services such as Environmental Health.
- Acquiring properties under confirmed CPOs earmarks them for social housing.
- Sufficient resourcing together with effective corporate and partnership working are imperative to sustain the delivery of CPO activity.

Background Papers

Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.

Enfield's *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.

Enfield's *Empty Property Compulsory Purchase Orders (CPO V)* report, agreed by Cabinet on 15 December 2010 and Council on 26 January 2011.

Enfield Council Housing Strategy 2005-2010.

The London Housing Strategy, February 2010.

Making Enfield Better by Delivering Fairness, Growth, Sustainability, Labour manifesto 2010

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**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2010/11
11 ST JOHN'S TERRACE, ENFIELD, EN2 9AQ**

Section 17 Housing Act 1985 and the Acquisition of Land Act 1981

**STATEMENT OF REASONS
(Addressing the requirements of *ODPM Circular 06/2004*)**

1.0 Description Of The Order Land, Summary Of History And Valuation

- 1.1 The Order area comprises of 11 St John's Terrace, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for approximately two years. It has in that time proved to be a detriment to the amenity of the area, with a history of Council involvement and enforcement with regard complaints about rodent and insect infestations, overgrown front and rear gardens, disrepair and rundown appearance of the property.
- 1.2 The property is a two-storey, two-bedroom, mid-terrace house with a two-storey back addition built at the end of the 19th century. The property is situated in the Clay Hill Conservation Area.
- 1.3 The Empty Property Team, comprising of the Empty Property Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region), initially became involved in February 2010. Despite repeated attempts to encourage the owner to renovate and enable the occupation of the property, to date he has failed to do so. Furthermore, to date, Officers have had no choice but to correspond with the owner via 11 St John's Terrace as no alternative mailing address has been forthcoming.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 21 January 2011 of £265k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).

2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale. However,

the Council will continue to encourage the owner to take steps to bring the property back to use.

2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list stands at 6,532 (excluding existing social tenants wishing to transfer). The Borough has an acute housing shortage. A housing market assessment completed in 2010 found that the total annual need is estimated to be 4,200 homes for the next five years. The annual supply is estimated at 2,120, leaving a net need of 2,100 homes per annum. In particular, there is a very large demand for three or more bed properties. 2,234 households require three bedroom accommodation or larger. 1,780 of these are in a reasonable preference category. At current levels of supply of social rented accommodation it would take 29 years to clear this existing backlog of demand for three bed properties. (The figures quoted are from 01 January 2011.) The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.

2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further 17 empty residential properties on 17 September 2008, 01 April 2009, 11 November 2009 and 26 January 2011. Council on 26 January 2011 authorised Officers to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the North London Sub-Region is reduced or ceases in 2011/12 and thereafter. It is in line with aforementioned strategy, policy framework, commitment and practice that the authority is seeking to compulsory purchase 11 St John's Terrace.

3.0 **The Authority's Justification For Compulsory Purchase**

3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 101,901 private sector dwellings, of which 3,163 are vacant; 3.1% of the private housing sector. 1,166 of these private empty properties have been vacant for longer than six months. Currently there are 6,217 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,600 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,175 at the end of December 2010.

3.2 Justification for the compulsory acquisition of an empty property for housing use: 11 St John's Terrace is a two-storey, two-bedroom, mid-terrace house with a two-storey back addition that has been vacant for approximately five

years. Between August 2003 and January 2010 Environmental Health investigated recurring complaints from neighbours about rat and fly infestations, overgrown front and rear gardens and disrepair, including the collapse of the back addition roof. The Empty Property Team became involved following a referral from Environmental Health on 05 February 2010. The following key events ensued:

Case History

- 3.2.1 09 February 2010: The Empty Property Officer and Empty Property Enforcement Officer visited 11 St John's Terrace and noted an extensive pile of post in the porch way and entrance to the living room. The front and rear gardens were both very overgrown. The Empty Property Officer spoke to a neighbour, who stated that the owner had visited on average every other month and occasionally stayed overnight.
- 3.2.2 23 February 2010: Environmental Health served a notice under section 4 of the *Prevention of Damage by Pests Act 1949* requiring the owner to carry out full and comprehensive pest control treatment and remove all rubbish and vegetation that may provide harbourage for rodents from the rear of the premises within 21 days.
- 3.2.3 02-29 March 2010: The Council undertook treatment for rats between these dates by accessing the rear garden of No. 11 by removing a fence panel at No. 12. The Pest Control Officer reported that there were four burrow holes at No. 11 and this was the main source of the rat problem to neighbouring properties. The Case Officer in Environmental Health subsequently advised on 28 January 2011 that she has tried to engage with the owner, but has had no response.
- 3.2.4 22 March 2010: The Empty Property Officer wrote to the owner at 11 St John's Terrace to advise that the property had been identified as being unoccupied. The letter pointed out that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 21 April 2010, when it was hoped he would be able to provide a full and concise plan of action within realistic timescales. No reply was received.
- 3.2.5 25 May 2010: The Empty Property Officer wrote to the owner at 11 St John's Terrace reminding him that he had written to him on 22 March 2010 and had not received a response. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist him. He emphasised that it was very important that he contact him to discuss his plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was reminded that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase

property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 24 June 2010.

- 3.2.6 12 July 2010: A completed requisition for information questionnaire dated 09 July 2010 was received from the owner, giving 11 St John's Terrace as his "usual place of residence".
- 3.2.7 22 July 2010: The Empty Property Officer visited the property and noted that the front hedge along the right hand side of the entrance path appeared to have been trimmed back. He spoke to the occupants of two neighbouring properties. One stated that he had not seen the owner apart from when he cut back the hedge. The other neighbour said that they do not believe the owner lives in the house and expressed concern about rats and foxes which they believe are nesting in the rear garden of 11 St John's Terrace.
- 3.2.8 29 June 2010: The Empty Property Officer wrote to the owner at 11 St John's Terrace reminding him of his letters of 22 March 2010 and 25 May 2010. The Empty Property Officer reminded the owner that if the Council is unable to bring empty properties back into use, then there is no alternative but to consider the use of compulsory purchase powers to achieve this purpose. The Empty Property Officer stated that it was proposed to refer this case to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged to finalise his proposals and submit detailed written schedules of work for completion of the renovation of the property with estimates where appropriate; together with detailed written timescales for all of the work, outlining when he intended to complete each stage and a time when the house would actually be available for full time occupation. The owner was further urged to make contact as soon as possible, but certainly no later than 29 July 2010. No reply was received.
- 3.2.9 03 September 2010: A neighbour rang the Empty Property Officer to complain that he had seen rats on the back addition roof to 11 St John's Terrace.
- 3.2.10 26 October 2010: The Empty Property Enforcement Officer wrote to the owner at 11 St John's Terrace enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Wednesday 03 November 2010.
- 3.2.11 03 November 2010: The Empty Property Officer and Empty Property Enforcement Officer visited the property and received no answer when they knocked on the front door. The Empty Property Officer noted a pile-up of post and that the front garden was starting to become overgrown again, affecting the front entrance path.
- 3.2.12 16 November 2010: As the owner failed to provide access on 03 November 2010, the Empty Property Enforcement Officer wrote to the owner at 11 St John's Terrace enclosing another notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Wednesday 01 December 2010. The letter warned that the Empty Property Enforcement Officer would be accompanied by a locksmith to provide access and re-secure the property against unauthorised entry after the survey.

- 3.2.13 01 December 2010: The Empty Property Enforcement Officer and Empty Property Officer conducted a survey. The Empty Property Officer took extensive photographs of the interior, which was in a very poor and dangerous condition, particularly to the rear. As the owner failed to attend to provide access, it was necessary for the locksmith to change the lock to the front entrance door so that the premises could be re-secured against unauthorised entry after the survey. On leaving the property, the Officers' affixed a notice to the exterior of the front entrance door explaining the action taken and providing the Empty Property Officer's contact details.
- 3.2.14 02 December 2010: The Empty Property Officer received a telephone call from the owner stating that he had been informed that people were "breaking into his home". He claimed that the property was his home, but that he was working away as a contractor because he could not find work in Enfield. He said that he intended to return in a year, when he hoped to take action on the property. The Empty Property Officer expressed scepticism about his claim to be living in the premises when not working in view of the condition of the property and statements from neighbours that he had not been seen for many months. The owner also collected the keys to the new lock from the Empty Property Officer on 02 December 2010.
- 3.2.15 15 December 2010: The Empty Property Enforcement Officer served an Improvement Notice under section 11 of the *Housing Act 2004* on the owner requiring works to remedy category 1 hazards identified at the property. A letter accompanying the notice reminded the owner that the Empty Property Officer's letter of 29 June 2010 had warned him of the intention to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO because of his failure to renovate and return the house to full residential use. The letter emphasised that despite the Council's proposal to take compulsory purchase action, there was still an opportunity for him to finalise and submit proposals for bringing the property back into use and pointed out that the works specified in the Improvement Notice should be addressed as part of her refurbishment scheme for returning the property to use.

3.3 Human Rights Considerations

- 3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

4.0 Proposals For The Use Of The Land

- 4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 The property is within a Designated Conservation Area.

5.3 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.4 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

7.1 None are known.

8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

8.1 No obstacle or required prior consent applicable.

9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

9.1 No obstacle or required prior consent applicable.

10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site

10.0 Not applicable.

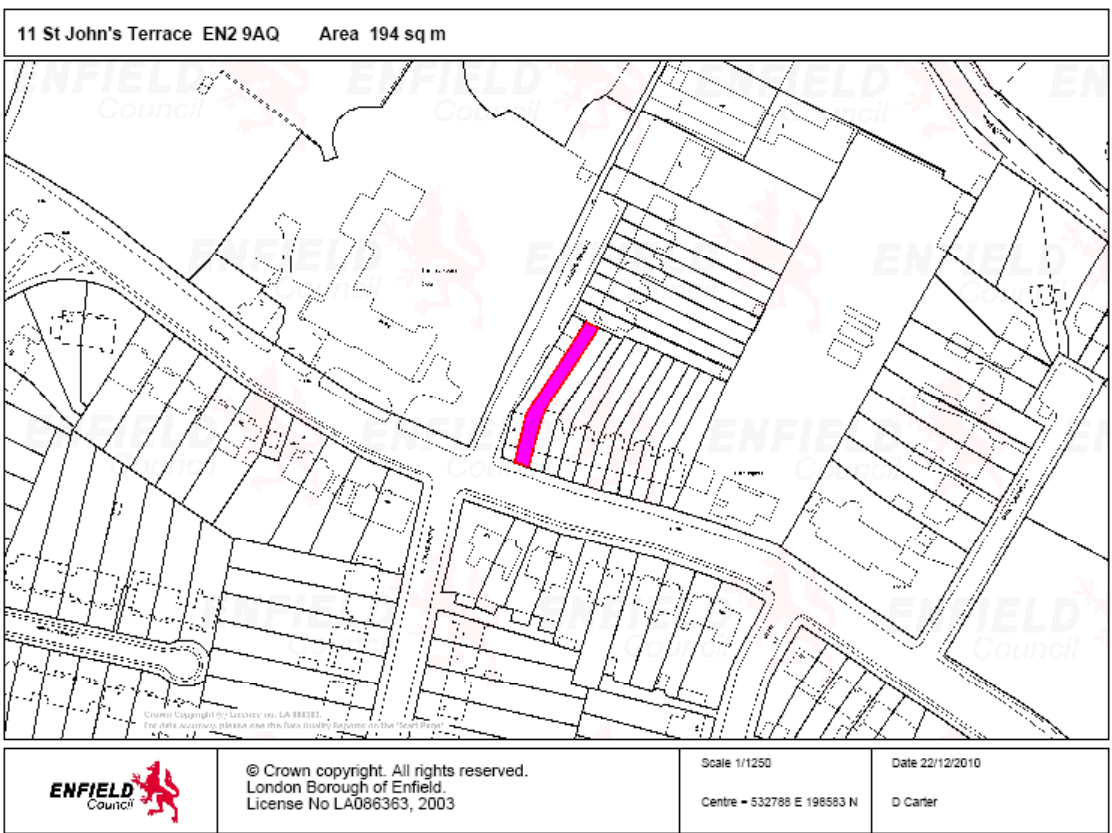
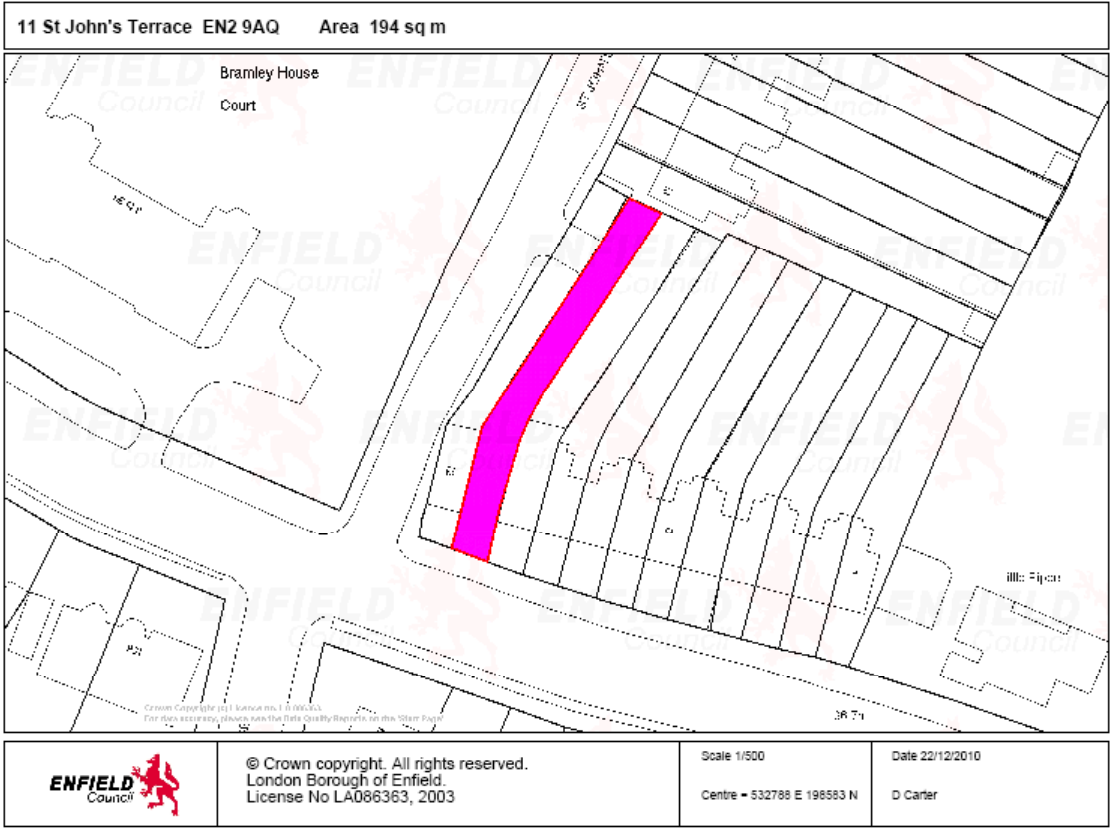
11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: dave.carter@enfield.gov.uk; phone: 020 8379 4314, from whom further information can be obtained.

12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order

- 12.1 There are no current related orders, applications or appeals.
- 13.0 **List Of Documents Likely To Be Used In An Inquiry**
- 13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.
- 13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.
- 13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.
- 13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.
- 13.5 Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.
- 13.6 Enfield's *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.
- 13.7 Enfield's *Empty Property Compulsory Purchase Orders (CPO V)* report, agreed by Cabinet on 15 December 2010 and Council on 26 January 2011.
- 13.8 Enfield's *Corporate Housing Strategy*.
- 13.9 *The London Housing Strategy*, February 2010.
- 13.10 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.
- 13.11 Empty Property Officer's case file on 11 St John's Terrace, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2010/11
35 KINGSWAY, ENFIELD, EN3 4HS**

Section 17 Housing Act 1985 and the Acquisition of Land Act 1981

**STATEMENT OF REASONS
(Addressing the requirements of *ODPM Circular 06/2004*)**

1.0 Description Of The Order Land, Summary Of History And Valuation

- 1.1 The Order area comprises of 35 Kingsway, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over 10 years since the death of the owner's mother on 17 March 1999. It has in that time proved to be a detriment to the amenity of the area, with a history of Council involvement and enforcement with regard complaints about rats and overgrown front garden obstructing the public footpath.
- 1.2 The property is a two-storey, three-bedroom, mid-terrace house built between 1897 and 1914 with a one storey rear extension containing a utility room and WC / shower compartment. When Officers' accessed the property on 10 January 2011, it was evident that works had been started throughout the property, but these had been abandoned.
- 1.3 The Empty Property Team, comprising of the Empty Property Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region), became involved in May 2010. Despite repeated attempts to encourage the owner to renovate and enable the occupation of the property, to date he has failed to do so. Furthermore, to date, Officers have had no choice but to correspond with the owner via 35 Kingsway as no alternative mailing address has been forthcoming.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 21 January 2011 of £235k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).

2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to

residential use without the use of a CPO and subsequent resale. However, the Council will continue to encourage the owner to take steps to bring the property back to use.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list stands at 6,532 (excluding existing social tenants wishing to transfer). The Borough has an acute housing shortage. A housing market assessment completed in 2010 found that the total annual need is estimated to be 4,200 homes for the next five years. The annual supply is estimated at 2,120, leaving a net need of 2,100 homes per annum. In particular, there is a very large demand for three or more bed properties. 2,234 households require three bedroom accommodation or larger. 1,780 of these are in a reasonable preference category. At current levels of supply of social rented accommodation it would take 29 years to clear this existing backlog of demand for three bed properties. (The figures quoted are from 01 January 2011.) The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further 17 empty residential properties on 17 September 2008, 01 April 2009, 11 November 2009 and 26 January 2011. Council on 26 January 2011 authorised Officers to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the North London Sub-Region is reduced or ceases in 2011/12 and thereafter. It is in line with aforementioned strategy, policy framework, commitment and practice that the authority is seeking to compulsory purchase 35 Kingsway.

3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 101,901 private sector dwellings, of which 3,163 are vacant; 3.1% of the private housing sector. 1,166 of these private empty properties have been vacant for longer than six months. Currently there are 6,217 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,600 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,175 at the end of December 2010.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 35 Kingsway is a two-storey, three-bedroom, mid-terrace house with a

one storey rear extension containing a utility room and WC / shower compartment that has been vacant for approximately 10 years. Between October 2009 and March 2010, the Council's Environmental Health department investigated complaints from a resident about rats seen coming and going from the property, but closed the case due to lack of evidence and an inability to gain access to the premises. The Empty Property Team's involvement began in May 2010 and is summarised as follows:

Case History

- 3.2.16 14 May 2010: The Empty Property Officer received a telephone report from a neighbour who advised that the property had been vacant since the owner's mother passed away in 1999. She said that he used to regularly check over the property, but she had not seen him for about two years. She expressed concerns about the overgrown garden and rats, having seen one recently in the front garden of 35 Kingsway. She stated that another neighbour had keys to the property and attended to the post. The neighbour in question confirmed to the Empty Property Officer that he collected the post on the owner's instructions, but had not seen him for over two years or been able to contact him on his mobile telephone.
- 3.2.17 25 May 2010: The Empty Property Officer and Empty Property Enforcement Officer visited 35 Kingsway and noted that the garden was overgrown and brickwork to the front bay was perished.
- 3.2.18 30 June 2010: The Empty Property Officer wrote to the owner at 35 Kingsway to advise that the property had been identified as being unoccupied. The letter pointed out that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 29 July 2010, when it was hoped he would be able to provide a full and concise plan of action within realistic timescales. No reply was received.
- 3.2.19 10 August 2010: An Officer in the Highway Services department wrote to the premises requiring the cutting back within 28 days of vegetation overhanging the public footpath. As the owner failed to cut back the overhanging vegetation, the matter was referred from Highway Services to Environmental Health for action.
- 3.2.20 23 August 2010: The Empty Property Officer wrote to the owner at 35 Kingsway reminding him that he had written to him on 30 June 2010 and had not received a response. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist him. He emphasised that it was very important that he contact him to discuss his plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was reminded that the Council, together with the other boroughs in the

North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 22 September 2010. No reply was received.

- 3.2.21 01 September 2010: Environmental Health received a complaint from a resident about rats, overgrown and filthy gardens and bushes overhanging the pavement.
- 3.2.22 06 September 2010: The Empty Property Officer emailed Environmental Health to advise that a neighbour had complained to him about seeing rats at 35 Kingsway the previous week. The email pointed out that the complainant had also mentioned that the front hedge was very badly overhanging the front pavement.
- 3.2.23 12 October 2010: The Case Officer in Environmental Health served a notice on the owner under section 154 of the *Highways Act 1980* requiring the Buddleia shrub overhanging the public highway to the front of the premises to be cut back to remove the cause of obstruction and danger within 14 days of the date of the notice. The Case Officer took the view that the bush was no longer causing an obstruction when she visited the property on 25 January 2011 and she was therefore unable to enforce the notice at that time.
- 3.2.24 20 October 2010: The Empty Property Officer wrote to the owner at 35 Kingsway reminding him of his letters of 30 June 2010 and 23 August 2010. The Empty Property Officer reminded the owner that if the Council is unable to bring empty properties back into use, then there is no alternative but to consider the use of compulsory purchase powers to achieve this purpose. The Empty Property Officer stated that it was proposed to refer this case to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged to finalise his proposals and submit detailed written schedules of work for completion of the renovation of the property with estimates where appropriate; together with detailed written timescales for all of the work, outlining when he intended to complete each stage and a time when the house would actually be available for full time occupation. The owner was further urged to make contact as soon as possible, but certainly no later than 19 November 2010. No reply was received.
- 3.2.25 20 December 2010: The Empty Property Enforcement Officer wrote to the owner at 35 Kingsway enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Tuesday 04 January 2011.
- 3.2.26 04 January 2011: The Empty Property Enforcement Officer visited the property and received no answer when they knocked on the front door. The Officer took photographs of the front elevation, including the overgrown front garden.
- 3.2.27 04 January 2011: As the owner failed to provide access on 04 January 2011, the Empty Property Enforcement Officer wrote to the owner at 35 Kingsway enclosing another notice of intended entry under the *Local Government*

(Miscellaneous Provisions) Act 1976 advising of a proposed survey on Monday 10 January 2011. The letter warned that the Empty Property Enforcement Officer would be accompanied by a locksmith to provide access and re-secure the property against unauthorised entry after the survey. However, a locksmith was not necessary as the neighbour with keys to the property agreed to give access.

3.2.28 04 January 2011: The Case Officer in Environmental Health emailed the Empty Property Enforcement Officer to advise that the front garden had been test baited but there had been no take, therefore enforcement of treatment for rats was not proposed.

3.2.29 10 January 2011: The Empty Property Enforcement Officer and Empty Property Officer conducted a survey. The neighbour with keys to the property provided access. He explained that last time he had seen the owner was on 03 January 2008, and that there had been no subsequent contact. The Empty Property Officer took extensive photographs of the interior. It was evident that works had been started throughout the property, but these had been abandoned. No access was possible to the rear garden because the neighbour did not have a key to the rear door and in any event, would have been restricted due to the severely overgrown state of the garden. However, a partial inspection of the rear elevation was undertaken from the rear garden of No. 33.

3.2.30 24 January 2011: The Empty Property Enforcement Officer served an Improvement Notice under section 11 of the *Housing Act 2004* on the owner requiring works to remedy category 1 hazards identified at the property. A letter accompanying the notice reminded the owner that the Empty Property Officer's letter of 20 October 2010 had warned him of the intention to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO because of his failure to renovate and return the house to full residential use. The letter emphasised that despite the Council's proposal to take compulsory purchase action, there was still an opportunity for him to finalise and submit proposals for bringing the property back into use and pointed out that the works specified in the Improvement Notice should be addressed as part of her refurbishment scheme for returning the property to use.

3.2.31 25 January 2011: The Case Officer in Environmental Health visited the property with regard the notice served on 12 October 2010 under section 154 of the *Highways Act 1980*. The Case Officer took the view that as the shrub was no longer causing an obstruction to the public highway at the time of her visit, she was not able to enforce the notice for the time being.

3.3 Human Rights Considerations

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

4.0 Proposals For The Use Of The Land

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.3 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.4 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

7.1 None are known.

8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

8.1 No obstacle or required prior consent applicable.

9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

9.1 No obstacle or required prior consent applicable.

10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site

10.0 Not applicable.

11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59,

Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: dave.carter@enfield.gov.uk; phone: 020 8379 4314, from whom further information can be obtained.

12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order

12.1 There are no current related orders, applications or appeals.

13.0 List Of Documents Likely To Be Used In An Inquiry

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

13.5 Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.

13.6 Enfield's *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.

13.7 Enfield's *Empty Property Compulsory Purchase Orders (CPO V)* report, agreed by Cabinet on 15 December 2010 and Council on 26 January 2011.

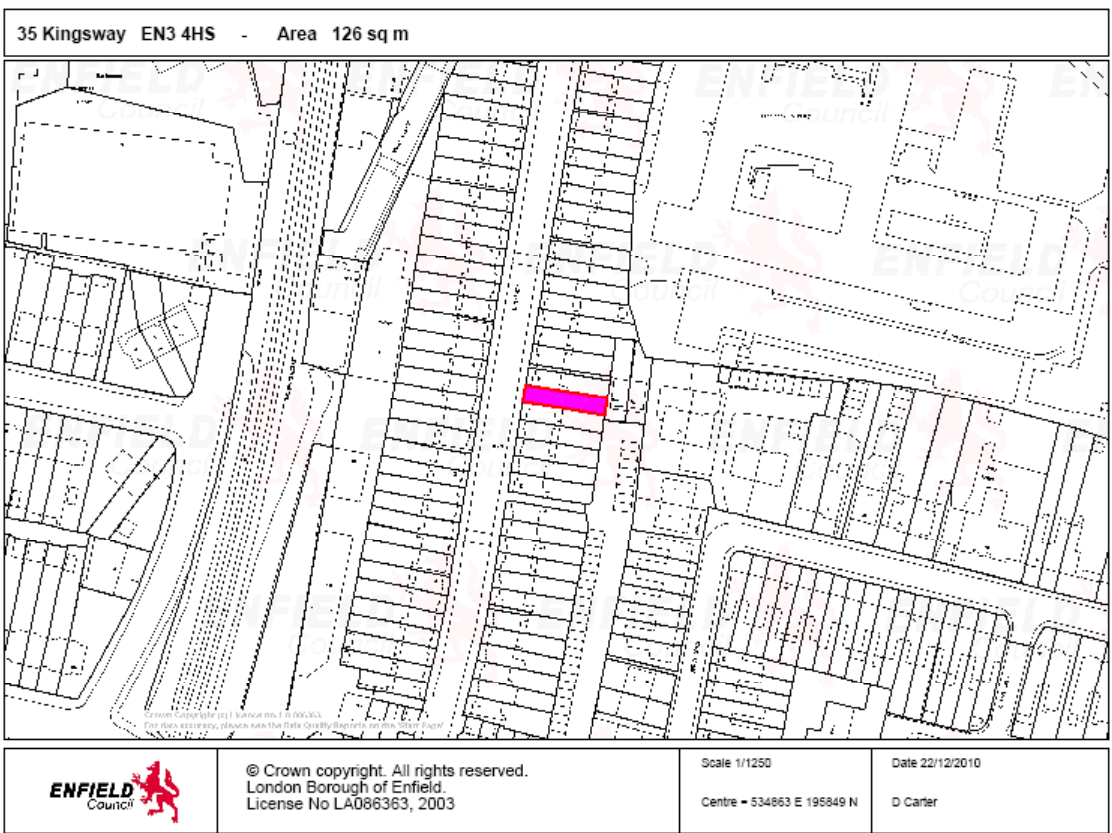
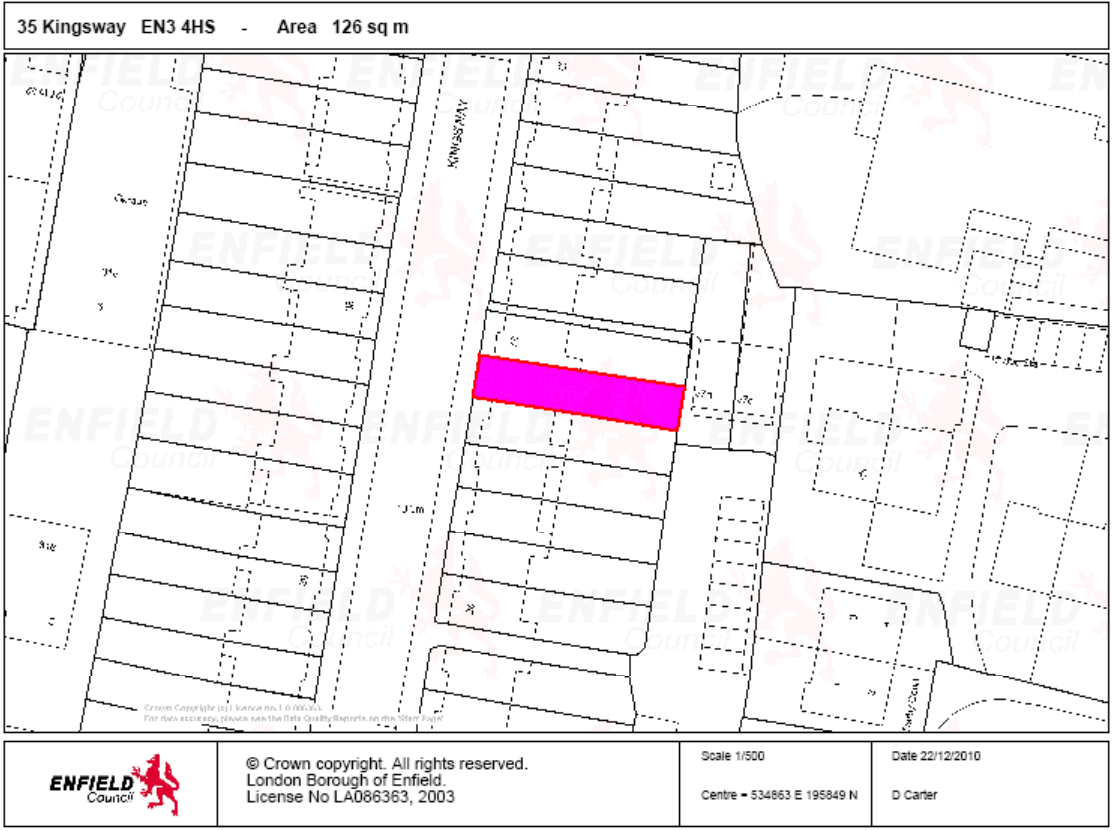
13.8 Enfield's *Corporate Housing Strategy*.

13.9 *The London Housing Strategy*, February 2010.

13.10 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.

13.11 Empty Property Officer's case file on 35 Kingsway, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2010/11
42 LION ROAD, EDMONTON, LONDON, N9 9DW
Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS
(Addressing the requirements of *ODPM Circular 06/2004*)**

1.0 Description Of The Order Land, Summary Of History And Valuation

- 1.1 The Order area comprises of 42 Lion Road, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for approximately five years. It has in that time proved to be a detriment to the amenity of the area, with a history of Council involvement with regard defective above ground drainage, rodents, rubbish, overgrown rear garden and rundown condition of the property.
- 1.2 The property is a two-storey, two-bedroom, mid-terrace house with a two-storey back addition built between 1897 and 1914.
- 1.3 The Empty Property Team, comprising of the Empty Property Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region), became involved in September 2010. Despite repeated attempts to encourage the owner to renovate and enable the occupation of the property, to date he has failed to do so. Furthermore, until the owner came forward on 01 February 2011, Officers had no choice but to correspond with the owner via 42 Lion Road as no alternative mailing address was available.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 21 January 2011 of £185k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).

2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale. However, the Council will continue to encourage the owner to take steps to bring the property back to use.

2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list stands at 6,532 (excluding existing social tenants wishing to transfer). The Borough has an acute housing shortage. A housing market assessment completed in 2010 found that the total annual need is estimated to be 4,200 homes for the next five years. The annual supply is estimated at 2,120, leaving a net need of 2,100 homes per annum. In particular, there is a very large demand for three or more bed properties. 2,234 households require three bedroom accommodation or larger. 1,780 of these are in a reasonable preference category. At current levels of supply of social rented accommodation it would take 29 years to clear this existing backlog of demand for three bed properties. (The figures quoted are from 01 January 2011.) The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.

2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further 17 empty residential properties on 17 September 2008, 01 April 2009, 11 November 2009 and 26 January 2011. Council on 26 January 2011 authorised Officers to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the North London Sub-Region is reduced or ceases in 2011/12 and thereafter. It is in line with aforementioned strategy, policy framework, commitment and practice that the authority is seeking to compulsory purchase 42 Lion Road.

3.0 **The Authority's Justification For Compulsory Purchase**

3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 101,901 private sector dwellings, of which 3,163 are vacant; 3.1% of the private housing sector. 1,166 of these private empty properties have been vacant for longer than six months. Currently there are 6,217 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,600 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,175 at the end of December 2010.

3.2 Justification for the compulsory acquisition of an empty property for housing use: 42 Lion Road is a two-storey, two-bedroom, mid-terrace house with a two-storey back addition that has been vacant for approximately five years. On 30 August 2005, Environmental Health investigated a complaint about an overflow flooding the front garden of a neighbouring property. The investigating officer noted that the property had been empty for six months.

On 19 August 2010, Environmental Health began an investigation following a complaint from a neighbouring property about rodents, rubbish, the overgrown rear garden and rundown condition of the property. The Empty Property Team's involvement began in September 2010 and is summarised as follows:

Case History

- 3.2.32 14 September 2010: The Empty Property Officer and Empty Property Enforcement Officer visited and were unable to get a response. The Officers observed bags of rubble in the front garden. The Empty Property Officer made a telephone call to the neighbour who had complained to Environmental Health in August. The neighbour explained that he not seen the owner for four years, but four to six weeks previously, somebody else was in the house and bagged-up the rubble accumulated in the front garden.
- 3.2.33 21 September 2010: Environmental Health served a notice under section 4 of the *Prevention of Damage by Pests Act 1949* on the owner at 42 Lion Road requiring the cutting back of all overgrown vegetation providing harbourage for rodents, proper disposal of the waste and the carrying out of full and comprehensive treatment against rats and mice. The owner was given 28 days to carry out the steps described in the notice. The Case Officer confirmed on 25 January 2011 that he had received no response from the owner. Following liaison with the complainants, he established that they had not seen any further rats, although the garden still remained overgrown. Consequently, he took no further action.
- 3.2.34 13 October 2010: The Empty Property Officer wrote to the owner at 42 Lion Road to advise that the property had been identified as being unoccupied. The letter pointed out that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 11 November 2010, when it was hoped he would be able to provide a full and concise plan of action within realistic timescales. No reply was received.
- 3.2.35 17 November 2010: The Empty Property Officer wrote to the owner at 42 Lion Road reminding him that he had written to him on 13 October 2010 and had not received a response. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist him. He emphasised that it was very important that he contact him to discuss his plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was reminded that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 16 December 2010. No reply was received.

3.2.36 21 December 2010: The Empty Property Officer wrote to the owner at 42 Lion Road reminding him of his letters of 13 October 2010 and 17 November 2010. The Empty Property Officer reminded the owner that if the Council is unable to bring empty properties back into use, then there is no alternative but to consider the use of compulsory purchase powers to achieve this purpose. The Empty Property Officer stated that it was proposed to refer this case to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged to finalise his proposals and submit detailed written schedules of work for completion of the renovation of the property with estimates where appropriate; together with detailed written timescales for all of the work, outlining when he intended to complete each stage and a time when the house would actually be available for full time occupation. The owner was further urged to make contact as soon as possible, but certainly no later than 20 January 2011. No reply was received.

3.2.37 20 January 2011: The Empty Property Enforcement Officer wrote to the owner at 42 Lion Road enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Tuesday 25 January 2011.

3.2.38 25 January 2011: The Empty Property Officer and Empty Property Enforcement Officer visited the property and received no answer when they knocked on the front door. As the owner failed to provide access, the Empty Property Enforcement Officer hand delivered another notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on 01 February 2011. The accompanying letter warned that the Empty Property Enforcement Officer would be accompanied by a locksmith on 01 February to provide access and re-secure the property against unauthorised entry after the survey.

3.2.39 01 February 2011: The owner provided access for the Empty Property Enforcement Officer and Empty Property Officer to conduct a survey. The Empty Property Officer took extensive photographs of the property. The Empty Property Enforcement Officer identified a number of category 1 hazards at the property and proposes to serve an Improvement Notice under section 11 of the *Housing Act 2004* on the owner with the recommendation that he remedies the said hazards as part of an overall refurbishment scheme for returning the property to use.

3.3 **Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

4.0 **Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the

property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.3 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.4 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

7.1 None are known.

8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

8.1 No obstacle or required prior consent applicable.

9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

9.1 No obstacle or required prior consent applicable.

10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site

10.0 Not applicable.

11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: dave.carter@enfield.gov.uk; phone: 020 8379 4314, from whom further information can be obtained.

12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order

12.1 There are no current related orders, applications or appeals.

13.0 List Of Documents Likely To Be Used In An Inquiry

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.12 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.13 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

13.14 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

13.15 Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.

13.16 Enfield's *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.

13.17 Enfield's *Empty Property Compulsory Purchase Orders (CPO V)* report, agreed by Cabinet on 15 December 2010 and Council on 26 January 2011.

13.18 Enfield's *Corporate Housing Strategy*.

13.19 *The London Housing Strategy*, February 2010.

13.20 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.

13.21 Empty Property Officer's case file on 42 Lion Road, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.

