

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3887
Author:	Martin Cooke
Department:	Commercial and Operations
Contact:	Martin Cooke (Job Title: Principal Environmental Health Officer, Email: martin.cooke@nottinghamcity.gov.uk, Phone: 01158761567)
Subject:	Enforced Sale of Empty Houses and Vacant Plots of Land - Adoption of Policy
Total Value:	Net cost zero (revenue). (Type: Revenue)
Decision Being Taken:	To adopt an Enforced Sale Policy in relation to empty homes and vacant plots of land.
Reasons for the Decision(s)	Enforced sale is an option available to the Council where debts exist in relation to a property. Significant amounts of debt have built up against a number of properties where the normal debt recovery actions have not been successful. Enforced sale offers a cost effective process to recover the debts and, in doing so, bringing the property or land onto the market with the likelihood of re-occupation.
Briefing notes documents:	Enforced sale policy.docx, Enforced sale - Examples of current sites.docx
Other Options Considered:	Legal and Governance are not prepared to use current delegated powers to carry out enforced sales of empty homes or vacant plots of land. The only other option is not to pursue the debt and to allow the owners to leave the property vacant with the likelihood of further Council expenditure being necessary as the property/land deteriorates.
Background Papers:	None.
Published Works:	Law of Property Act 1925
Affected Wards:	Citywide

Colleague / Councillor Interests:

None

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Empty homes create a significant impact on local neighbourhoods attracting criminal behavior and antisocial behaviour. One property which is in the initial tranche has had 3 arson attacks and two of the plots of land have been subject to £10K worth of flytipping.

Equality:

Please login to the system to view the EIA document: Equality Impact Assessment.docx

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

11/06/2020

Advice Sought:

Legal, Finance, Equality and Diversity, Property

Legal Advice:

If the Council acts in accordance with the relevant policy for this matter, there are unlikely to be any legal implications. Advice provided by Majid Iqbal (Legal Team Leader) on 26/05/2020.

Finance Advice:

This decision seeks approval to adopt the policy to enforce the sale of empty properties and vacant land, where the owner is indebted to the Council and the current state of the asset is having an adverse impact on the quality of life of neighbours.

The net cost to the Council is expected to be zero, in that the Council would be able to recover costs incurred where there is sufficient equity. As a result, the expectation is that there would be no impact on the Medium Term Financial Plan (MTFP). Enforced sales may give rise to a social dividend through reduced anti social behaviour issues, for example reduced fly tipping and pest control issues to attend to, though it would not be possible to put a value to this.

Advice provided by Maria Balchin (Finance Analyst) on 28/05/2020.

Equality and Diversity Advice:

Comments have been provided. Advice provided by Nasreen Miah (Equality & employability consultant) on 27/05/2020.

Property Advice:

It is proposed that Property will act for the Council as Mortgagee in Possession in the sale of any property to be the subject of an enforced sale. In doing so Property will ensure that the properties are sold by an appropriate method which will ensure that the capital receipt is maximized. It is understood that the costs of sale maybe recovered from the receipt, subject to there being sufficient equity in the property. The Director of Strategic Assets and Property has Delegated Authority to accept offers for the sale of repossessed properties in respect of Council mortgaged land and property. Advice provided by Rodney Alan Martin (Development Manager) on 27/05/2020.

Signatures

Linda Woodings as Portfolio Holder (PH Housing, Planning and Heritage)
SIGNED and Dated: 04/06/2020
Andrew Errington (Director, Community Protection)
SIGNED and Dated: 03/06/2020