

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2213
Author:	Martin Cooke
Department:	Communities
Contact:	Martin Cooke (Job Title: Team Leader, Environmental Health, Email: martin.cooke@nottinghamcity.gov.uk, Phone: 01158761567)
Subject:	52 Bedale Road NG5 3GH - Compulsory Purchase Order
Total Value:	£115,000 (Type: Capital)
Decision Being Taken:	<p>To authorise that a Compulsory Purchase Order is made in respect of 52 Bedale Road, NG5 3GH under the powers contained in section 17 of the Housing Act 1985 for the reasons outlined in the attached draft Statement of Reasons.</p> <p>To agree to commit £115,000 for the acquisition of the derelict property, noting that the cost is ultimately financed from the disposal proceeds.</p>
Reasons for the Decision(s)	<p>Please see the draft Statement of Reasons which is attached to this decision.</p> <p><b>Overview:-</b></p> <p>There are powers within the Housing Act allowing the compulsory purchase of private sector properties under certain circumstances. Since 2002 Compulsory Purchase Orders have been used by the Council to deal with long term vacant and derelict properties where reoccupation has not been achieved through negotiation and cooperation.</p> <p>52 Bedale Road is uninhabited and has not been occupied for at least 13 years. Some works were undertaken to start an extension on the property but these stopped and never continued.</p> <p>Neighbours have reported estimated selling prices being severely affected by the presence of this property and complaints have been received about it's appearance. A notice was served under s215 of the Town and Country Planning Act in November 2012 detailing the property as 'detrimental to the amenity of the neighbourhood'. The notice has not been complied with.</p> <p>The owner has responded to contact from the Empty Homes Officer and Enforcement Officers a number of times, during late 2012/early 2013 an interested party advised that the property was being sold or redeveloped but, to date, no significant changes have been made to the property and it has not been sold.</p> <p>Potential purchasers' details have been forwarded on to the owners but, as above, no sale has been made.</p>

<b>Briefing notes documents:</b>	52 bedale Road Statement of Reason Redacted.doc, Appendix to statement of reasons - plan of site 52 Bedale Road.pdf, picture 52 Bedale.jpg
<b>Other Options Considered:</b>	Contact has been made with the owner numerous times with no significant outcomes. Options for the owner remain - renovation and re-occupation or letting to a tenant. The property could also be sold on the open market if a realistic price was agreed.
<b>Background Papers:</b>	1. Valuation report on 52 Bedale Road 2. Valuation update
<b>Unpublished background papers:</b>	Valuation Report - 52 Bedale Road.pdf, valuation update.pdf
<b>Published Works:</b>	None
<b>Affected Wards:</b>	Sherwood
<b>Colleague / Councillor Interests:</b>	None
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	There have been numerous complaints of low level anti-social behaviour relating to the property.
<b>Equality:</b>	EIA not required. Reasons: The decision only affects the owner of the property.
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	26/10/2015
<b>Advice Sought:</b>	Legal, Finance

**Legal Advice:**

The justification for making the Order is set out in the attached draft Statement of Reasons which will accompany the Order subject to any amendments which the Legal Services Manager may feel appropriate to reflect factual or other circumstantial changes). The Statement of Reasons addresses the relevant statutory tests, Guidance and human rights issues and concludes that compulsory purchase is justifiable in this case. The Owner and other persons with an interest in the property (if any) have the right to challenge the making of the Order and if they do so this will result in a public inquiry. Advice provided by Ann Barrett (Team Leader) on 25/08/2015.

**Finance Advice:**

The cost of acquiring the property as set out in this decision is estimated to be £115,000. The decision is for the property to be acquired with the intention of an immediate sale, via auction, for renovation and occupation.

There is no provision in the capital programme for the purchase and an addition will be required. Vesting the property in the Council's ownership would mean that compensation to the former owner would be made following disposal, with the compensation coming from the sale proceeds.

If the sale as described above does not proceed a further decision will be required in relation to the way forward, probably to refurbishment and disposal. The costs of purchase and refurbishment will be reimbursed from sale proceeds.

The net proceeds, either before or after refurbishment and after other appropriate costs have been deducted, will be paid to the current owner of the property.

The cost to the City Council will therefore be the interest incurred between the incidence of purchase and refurbishment and the eventual sale; a maximum of around £115 per month, although attempts would be made to recover these costs from the sale proceeds. In the unlikely event that the property is not sold the refurbished property would be included in the HRA's stock for rent.

Advice provided by Claire Gavagan (Finance Business Partner (Communities)) on 16/09/2015.

The cost of acquiring this property will initially be funded from the Council's own resources and is expected to be reimbursed by the sale proceeds which will be received as a capital receipt, therefore, it is expected that there will be no overall net effect on the capital programme. Once renovations have taken place there is a risk that the property may not sell or may not realise the sale proceeds needed to cover the costs, this is currently considered unlikely, however if this did occur the property could be transferred to the HRA for rental.

Advice provided by Tina Adams (Capital and taxation Manager) on 16/09/2015.

**Signatures**

Jane Urquhart (Portfolio Holder for Planning and Housing)
SIGNED and Dated: 19/10/2015
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 13/10/2015