

EXECUTIVE DECISION NOTICE

Date of Decision	6 September 2023
Decision Taker(s) Portfolio holder	Cllr Jane Somper in consultation with the Executive Director (People)
Designation	Portfolio Holder for People – Adult Social Care, Housing and Health
Subject Matter	Compulsory Purchase Order (CPO) for Long Term Empty Property known as 26 East Street, Blandford Forum, Dorset, DT11 7DR (“the Property”)
Decision	<p>That the Portfolio Holder for People – Adult Social Care, Housing and Health resolves to make, seek confirmation of and implement a compulsory purchase order (CPO) pursuant to s226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 and all other enabling powers in relation to 26 East Street, Blandford Forum, Dorset, DT11 7DR which is shown edged red on the plan attached at Appendix 1, for the purposes of improvement of the land.</p> <p>That the Portfolio Holder for People – Adult Social Care, Housing and Health resolves that the Council seeks to acquire the land whether by compulsorily using the statutory powers or by voluntary agreement.</p> <p>That the Portfolio Holder for People – Adult Social Care, Housing and Health delegates authority to the Corporate Director for Housing and Community Safety to:</p> <ol style="list-style-type: none"> 1. To take all necessary steps to secure the preparation, making, and submission to the Secretary of State for confirmation and implementation of the CPO including (but not limited to) the publication and service of all statutory notices; the investigation of and response to objections (including the negotiation and completion of any necessary agreement and undertaking in order to secure the removal of objections to the CPO); and the presentation of the Council's case at any public inquiry or via written representations and all other associated procedural steps. 2. To acquire the Property whether by voluntary agreement or compulsorily using the statutory powers section 226(1)(a) Town and Country Planning Act 1990 and Acquisition of Land Act 1981

	<ol style="list-style-type: none"> 3. To determine the form and contents of the CPO and the statement of reasons accompanying the CPO and to finalise the same. 4. Take all appropriate actions for making amendments, modifications and deletions to the CPO and plan, including updates and corrections to the draft as necessary to finalise and secure confirmation of the CPO. 5. Issue and serve any warrants to obtain possession of the Property once acquired following execution of a General Vesting Declaration or service of a Notice of Entry if it is necessary to obtain vacant possession. 6. Suspend or abandon the CPO proceedings or withdraw the CPO in relation to all or part of the Property. 7. Take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting, or defending proceedings. 8. Take all other necessary action to give effect to these recommendations.
<p>Reason for the Decision</p>	<p>To enable the property to be renovated and improved and brought back into beneficial use which will remedy its adverse environmental, economic, and social impact on the surrounding area.</p>
<p>Alternative Options considered and rejected</p>	<p>Alternative option 1:</p> <p>Commence the process to make an Empty Dwelling Management Order (EDMO) under the Housing Act 2004.</p> <p>Option rejected.</p> <p>An EDMO empowers the Council to take over the management and letting (not ownership) of a property for a maximum period of 7 years. This option has been discounted as it will require the Council to pay for the complete renovation and improvement of the property to current lettable standards and then arrange for its ongoing management over this 7-year period. The property then has to be handed back to the freehold owner. The rent received over this 7-year period is unlikely to cover the cost of repairing the Property to a lettable standard.</p> <p>Alternative option 2:</p> <p>Take no formal action and continue to try and persuade the owner to bring the Property (“the Owner”) back into use by informal means.</p> <p>Option rejected.</p> <p>The property has been empty for at least 10 years and is having a deleterious effect on the amenity of the area and generating complaints from residents and local</p>

	<p>Councillors. During this time the owner has not engaged with any approach or offer of assistance made by the Council to bring the property back into use. When weighing up the powers available to the Council, the rights of the local community and the rights of the owner, then it is no longer appropriate to continue pursuing informal action in this case.</p>
Consultees	<p>Portfolio Holder for People – Adult Social Care, Housing and Health Corporate Director for Housing and Community Safety Service Manager Conservation Team Legal Business Partner – Regulatory Development Management and Enforcement Team nplaw – external legal advisor who specialise in CPO. Valuation Office Agency (VOA)</p>
Budget Implications	<p>Estimated cost of a Compulsory Purchase Order:</p> <p>Legal costs - The fixed fee charged by nplaw (acting for the Council) is £3,200 plus disbursements (If contested or if there are complications; legal work will be charged at the hourly rate of £124 plus disbursements and it could prove necessary to instruct Counsel) District Valuation costs £2750 Land Registry Search & other costs £200 Newspaper Adverts £2000 Likely Emergency repair costs upon taking possession £4000. Possession costs (locksmith etc.) £150 Stamp Duty Land Tax (dependant on land value at vesting)</p> <p>Land acquisition/market value: £125,000 Disturbance: £2,000 Basic Loss Payment: £9,375 Surveyor's fees: £5,000 Total Compensation £141,375</p> <p>Compulsory purchase compensation includes the market value of the property together with other potential heads of claim. The current value of the property is £125,000 as per a report from the Valuation Office Agency. However, the valuation date for the purposes of compensation will be a future date in the process and so the valuation will be dependent on property and market conditions at that time. The total estimated compensation is £141,375 as per the report from the Valuation Agency Office taking land value together with other potential heads of claim (disturbance, basic loss payment and fees)</p>
Legal Implications	<p>The Council has the power to make a Compulsory Purchase Order (CPO) under section 226(1)(a) of the</p>

	<p>Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 to facilitate an improvement which will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the area and to submit the CPO to the Secretary of State for confirmation.</p> <p>In submitting a CPO to the Secretary of State for confirmation, parties with a legal interest have the right to object. If objections are received and not withdrawn or disregarded, the confirming minister will either arrange for a public local inquiry to be held or, where all the remaining objectors and the acquiring authority agree to it – arrange for the objections to be considered through a written representation’s procedure. It may also be possible to agree an undertaking with the objector securing a confirmed CPO on the basis that the Council grants a final opportunity for the property to be renovated voluntarily.</p>
<p>Any Conflict of Interest?</p>	<p>None</p>
<p>Reference Documents</p>	<p>Housing Standards Enforcement Policy and Statement of Principles for determining Financial Penalties 2020-2025 3 November 2020 Guidance on Compulsory purchase process and The Criche Down Rules (2019) Dorset Council Plan 2020 to 2024</p>

Signed:

Date:

Designation: **Portfolio Holder for Housing**

EXECUTIVE DECISION NOTICE

Executive Summary:

To seek approval to commence legal proceedings to obtain a confirmed Compulsory Purchase Order (CPO) and implement the CPO in relation to **26 East Street, Blandford Forum, Dorset, DT11 7DR** (a plan showing the position of the property is attached at Appendix 1 and a photograph at Appendix 2) to enable the property to be renovated and improved and brought back into beneficial use which will remedy its adverse environmental, economic and social impact on the surrounding area

This decision replaces decisions made on the [9th March 2023](#) and [14 February 2022](#).

Equalities Impact Assessment:

The decision does not include a new strategy, policy or function.

The Council has had due regard to its Equalities Duties as specified under section 149 of the Equality Act 2010 to date and will continue to do so throughout this matter. In taking the decision to make the Order, the Council considers that the proposal is fully compliant with the Equality Act and compatible with the Public Sector Equality Duty

The Council considers the Order to be compatible with the Public Sector Equality Duty and that the renovation and re-occupation of the Property will not have a significant negative impact upon protected groups. The Property is not used disproportionately by any group with protected characteristics as it is currently empty.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Council has given the Owner many opportunities and considerable time to renovate and return the Property to beneficial use. Despite delaying enforcement action to make additional attempts to reach a voluntary solution, no tangible progress has been made.

As no progress has been made since the Council began writing to the Owner in July 2020, it is considered that any further delay would simply extend the property's period of inoccupation, lead to further decay and would therefore not be in the public interest. CPO action is therefore the only realistic option to return the property to occupation in a reasonable timescale and it is not possible to justify delaying the CPO any further.

[REDACTED]
[REDACTED] While a voluntary solution has not been possible the Council will continue to help where they are able to, and this will include:

- i) An objection period exceeding 21 days will be set to allow the Owner additional time to review the documentation and seek support if required.
- ii) The Council would be agreeable to arranging meetings at a location convenient for the Owner or telephone calls during the CPO process to read through any paperwork with him, if this would be helpful.
- iii) As previously advised the Council supports the Owner seeking help and support from a trusted friend or family member or a professional and is agreeable to discussing the matter with any representative that the Owner chooses to assist.

The Public Sector Equality Duty has also been considered in relation to information known about the Owner and will continue to be applied in future efforts to contact the Owner and throughout the compulsory purchase process.

It is considered that the benefit to the public of bringing back into beneficial use a property which has been unoccupied for so long and is in disrepair, outweighs any impacts on the Owner in this regard, particular given the Council's attempts to help the Owner and the ongoing effect on local residents.

Budget:

See above.

The Council has made provision for the costs associated with CPO action. The funding will be provided from the Council's Capital Budget with the value of the property for compensation purposes to be determined by the Valuation Office Agency (VOA).

Risk Assessment:

Having considered the risks associated with this decision using the Council's approved risk management methodology, it is the officer's opinion that there are no High risks that need to be reported.

Climate implications:

There are no climate implications arising from this decision

Other Implications:

Dorset Council's Plan 2020 to 2024 aims to facilitate the availability of more affordable, suitable, and decent housing, with one key objective being to bring long-term empty properties back into use.

Appendices:

Appendix 1 – plan showing the location of 26 East Street, Blandford Forum, Dorset, DT11 7DR.

Appendix 2 – photograph

Officer Contact:

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Name: Steven March
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Email: steven.march@dorsetcouncil.gov.uk

Additional information

A Compulsory Purchase Order gives the Council the flexibility to assume the freehold ownership of the property, renovate and let the property at an affordable rent for a local family, with or without a development partner such as a Social Landlord or Housing Association.

Alternatively, the Council has the option to dispose of the property on the open market, either via auction or an estate agent. The benefit of the disposal option is that the Council can recover the market value of the property relatively quickly.

The Portfolio Holder for Housing should be aware that obtaining a confirmed CPO on this property does not commit the Council to purchasing it. Once an order is confirmed the Council has the final option on whether to implement it by executing a general vesting declaration or Notice to Treat/Notice of Entry within 3 years of publication of the confirmation notice.

If the order is implemented via a general vesting declaration or the Notice to Treat/ Notice of Entry process, the property owner would be entitled to compensation. One of the heads of compensation is the market value on the day of vesting, as determined by formal valuation. It is reported that the property is currently worth £125,000.00. It cannot be guaranteed that the market value payable as compensation will be £125,000.00 as the valuation date for the purposes of CPO compensation is the day of vesting if a GVD is used (which is a future date and market conditions at that time cannot be guaranteed).

In addition to the market value, compensation may also include claims for other heads of compensation such as loss payments (in the case of an empty property basic loss may be claimed at 7.5% of the property value), disturbance payments (if an owner or occupier can demonstrate losses caused by losing possession such as removal fees) and legal and surveyor fees.

Voluntary Purchase

In line with the Department for Levelling Up, Housing and Communities "Guidance on Compulsory purchase process and the Crichton Down Rules" the Council will remain open to a voluntary purchase. During the CPO process the Council will continue to attempt to negotiate with the owner in order to purchase the Property by agreement. However, the Council will continue with the CPO process alongside any new negotiations and will look to take ownership of the Property via a GVD or the Notice to Treat/Notice of Entry process if an agreement cannot be reached in a reasonable timescale.

Human Rights

The Council is obliged to act in a way which is compatible with the European Convention on Human Rights. The Convention Rights relevant to compulsory acquisition are as follows:

Article 1 (of the First Protocol)

This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 (of the Convention)

This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well being of the country.

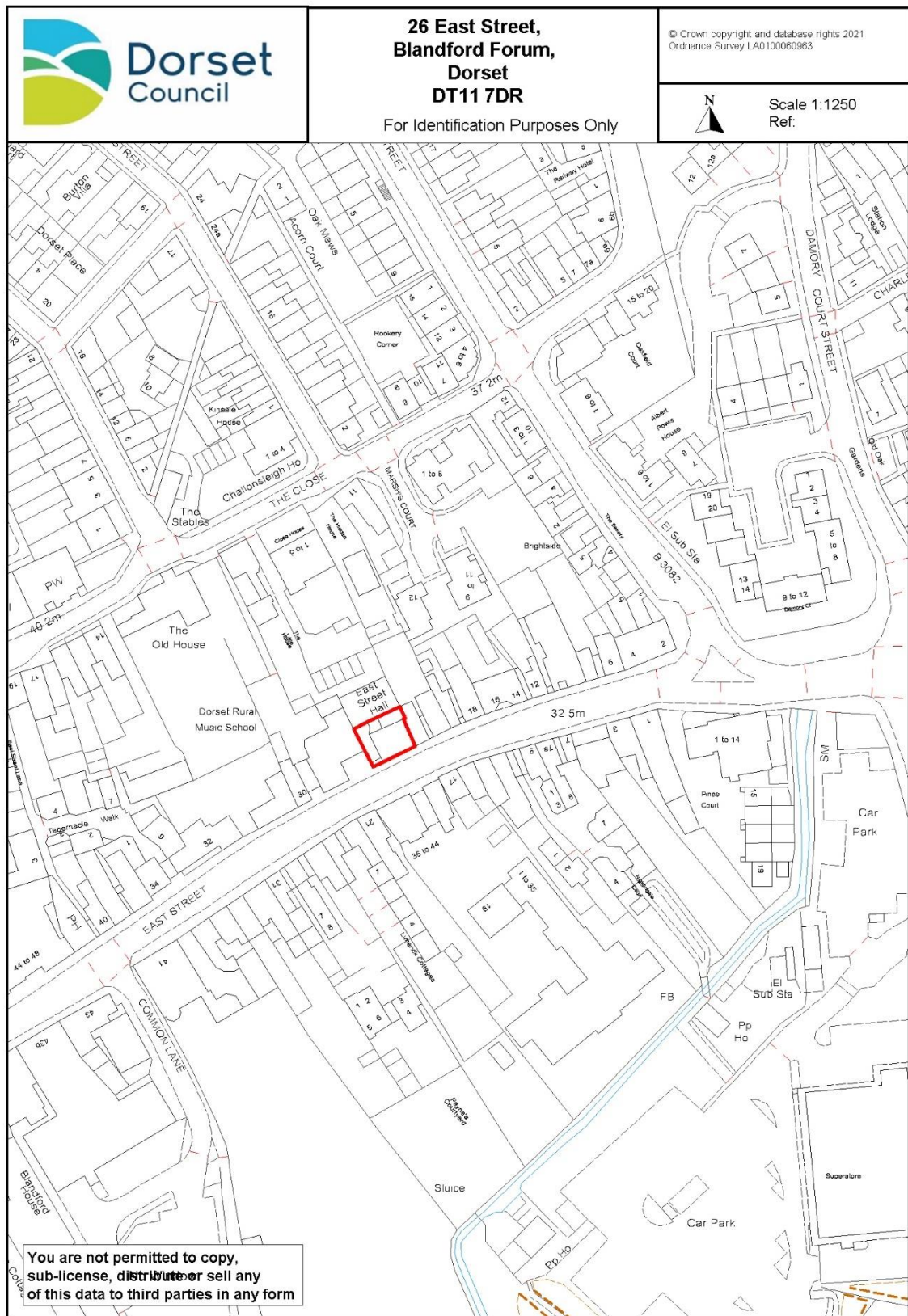
Article 14 (of the Convention)

This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The Council considers that there is a compelling case in public interest which justifies interfering with the human rights of any person with an interest in the Property as this benefit could not be achieved by agreement.

Appendix 1

Plan showing the location of 26 East Street, Blandford Forum, Dorset, DT11 7DR.



Appendix 2

Photographs of 26 East Street, Blandford Forum

