

## EXECUTIVE DECISION NOTICE

<b>Date of Decision</b>	6 September 2023
<b>Decision Taker(s) Portfolio holder</b>	Cllr Jane Somper in consultation with the Executive Director (People)
<b>Designation</b>	Portfolio Holder for People – Adult Social Care, Housing and Health
<b>Subject Matter</b>	Compulsory Purchase Order (CPO) for Long Term Empty Property known as 19 Southview Road, Weymouth, Dorset, DT4 0JE (“the Property”)
<b>Decision</b>	<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 19 Southview Road, Weymouth, Dorset, DT4 0JE 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 pursuant to original <a href="#">Executive Decision of the 24 August 2022</a></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"> <li>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 .</li> <li>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.</li> </ol>

	<ol style="list-style-type: none"> <li>3. To determine the form and contents of the CPO and the statement of reasons accompanying the CPO and to finalise the same.</li> <li>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.</li> <li>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.</li> <li>6. Suspend or abandon the CPO proceedings or withdraw the CPO in relation to all or part of the Property.</li> <li>7. Take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting, or defending proceedings.</li> <li>8. Take all other necessary action to give effect to these recommendations</li> </ol>
<p><b>Reason for the Decision</b></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><b>Alternative Options considered and rejected.</b></p>	<p><b>Alternative option 1:</b></p> <p>Commence the process to make an Empty Dwelling Management Order (EDMO) under the Housing Act 2004.</p> <p><b>Option rejected.</b></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 letting and management over this 7-year period. The Property is then 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><b>Alternative option 2:</b></p> <p>Take no formal action and continue to try and persuade the owner of the Property (“the Owner”) to bring the Property back into use by informal means.</p>

	<p><b>Option rejected.</b></p> <p>The Property has been empty for at least 6 years and is having a deleterious effect on the amenity of the area and due to its condition and unauthorised access (squatting) is generating complaints from residents, Dorset Police, and local Councillors. During this time the Owner has not engaged with approaches or offers of assistance made by the Council to bring the Property back into use.</p> <p>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>
<b>Consultees</b>	<p>Portfolio Holder for People – Adult Social Care, Housing and Health  Corporate Director for Housing and Community Safety  Legal Business Partner – Regulatory  nplaw – external legal advisor who specialise in CPO.  Dorset Police  Housing Options Team – Dorset Council</p>
<b>Budget Implications</b>	<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 £130 plus disbursements and it could prove necessary to instruct Counsel)  District Valuation costs £2750  Land Registry Search &amp; 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 value but it could be in the region of £4,500)</p> <p>All approximate/estimated.  Land acquisition/market value: £150,000  Disturbance: £2,000  Basic Loss Payment: £10,000  Surveyor's fees: £5,000  <b>Total Compensation £167,000</b></p> <p>Compulsory purchase compensation includes the market value of the Property together with other potential heads of claim. The estimated value of the Property is in the region of £150,000 as per an estate agent's assessment.</p> <p>However, the valuation date for the purposes of compensation will be a future date in the CPO process and</p>

	<p>so the valuation will be dependent on the Property and market conditions at that time. The total estimated compensation is in the region of £167,000 taking estimated land value together with other potential heads of claim (disturbance, basic loss payment and fees). There can be no guarantee that the value will be in the region of £150,000.00 or that the total compensation will be £167,000.00</p>
<b>Legal Implications</b>	<p>The Council has the power to make a Compulsory Purchase Order (CPO) under section 226(1)(a) of the 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>
<b>Any Conflict of Interest?</b>	None
<b>Reference Documents</b>	<p><a href="#">Housing Standards Enforcement Policy and Statement of Principles for determining Financial Penalties 2020-2025 3 November 2020</a></p> <p><a href="#">Guidance on Compulsory purchase process and The Crichel Down Rules (2019)</a></p> <p><a href="#">Dorset Council Plan 2020 to 2024</a></p>

**Signed:** ..... **Date:** .....

**Designation: Portfolio Holder for People – Adult Social Care, Housing and Health**

## 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 **19 Southview Road, Weymouth DT4 0JE** (a plan showing the position of the Property is attached at Appendix 1 and photographs of the Property 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.

To seek approval to acquire the land whether by compulsorily using the statutory powers or by voluntary agreement pursuant to original [Executive Decision of the 24 August 2022](#)

### Background

**19 Southview Road, Weymouth DT4 0JE** is a long-term empty property, it has been abandoned by its Owner and has been unoccupied for at least 6 years. The Property is in poor repair and has been subject to legal action by the Council's Building Control Team, as it was considered a dangerous structure, due to the instability of the double height front bay window. This led to emergency scaffolding support being added to the bay to ensure its safety for pedestrians. This scaffolding has remained in place since September 2018. The Owner has taken no steps to resolve this serious disrepair and the presence of the scaffolding, and its general appearance means that it regularly causes complaints and enquiries from local residents and Councillors.

Following a protracted period of attempted contact with the Owner, in August 2022 the Owner accepted an offer and agreed to sell the Property to Dorset Council. The [original Executive Decision of the 24 August 2022](#) enabled the Council to progress with that purchase. This purchase did not exchange/complete as the Owner did not cooperate with the conveyancing process. Therefore, there is now a need to recommend that the Council now progresses with acquiring the Property using its Compulsory Purchase Powers.

In October 2022 it came to the Council's attention that person(s) had gain unauthorised access to the Property and had started to live there without the permission of the Owner (squatting). This has since led to numerous reports of anti-social behaviour from the Property and the involvement of Dorset Police. As a result of numerous anti-social behaviour complaints, the Council is currently working with Dorset Police on the feasibility of removing the unauthorised persons using Police powers. The Property would then be immediately secured to prevent further access. Housing support as outlined above will be offered constantly during this process.

Since the Council started contacting and negotiating with the Owner over its use, they have failed to cooperate and act in relation to repairing the Property and bringing it back into use as a home.

**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. In addition, the renovation and re-occupation of the Property will not have a significant negative impact upon protected groups.

The Property is currently subject to unauthorised use by a squatter(s). The Councils Homelessness Team have been made aware of this issue and numerous visits have been made to engage with the unauthorised occupant. Throughout the proposed compulsory purchase process the Council will support the unauthorised occupant(s) in line with the relevant Homelessness legislation and [Housing Allocations Policy](#).

As a result of numerous anti-social behaviour complaints, the Council is also currently working with Dorset Police on the feasibility of removing the unauthorised persons using Police powers. The Property would then be immediately secured to prevent further access. Housing support as outlined above will be offered constantly during this process.

[REDACTED]

[REDACTED]

The Council considers that it has taken all reasonable steps to help and support to the Owner as follows:

- i) Making numerous contact attempts over time with the Owner by email, telephone, letter, and invitations to meet at the Property.
- ii) Offer of a voluntary purchase which was initially accepted but the purchase did not complete due to the Owner failing to engage with the conveyancing process.
- iii) Offer of an Empty Property Loan of up to £25,000 to enable eligible works to be carried out.
- iv) The Owner was advised that the Council operates a leasing scheme whereby the Property can be managed over a set time, guaranteeing a rental income.

[REDACTED]

[REDACTED] 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, given the Council's attempts to help the Owner and the ongoing effect on local residents.

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 June 2017, 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 the Council being agreeable to arrange meetings at a location convenient for the Owner or telephone calls during the CPO process to review any paperwork if this would be helpful.

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.

**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 Programme with the value of the Property for compensation purposes to be determined by an approved valuation.

**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 **19 Southview Road, Weymouth DT4 0JE**  
Appendix 2 – photograph

**Officer Contact:**

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**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 the 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 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 in the region of £150,000.00. It cannot be guaranteed what the market value payable as compensation will be, 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.

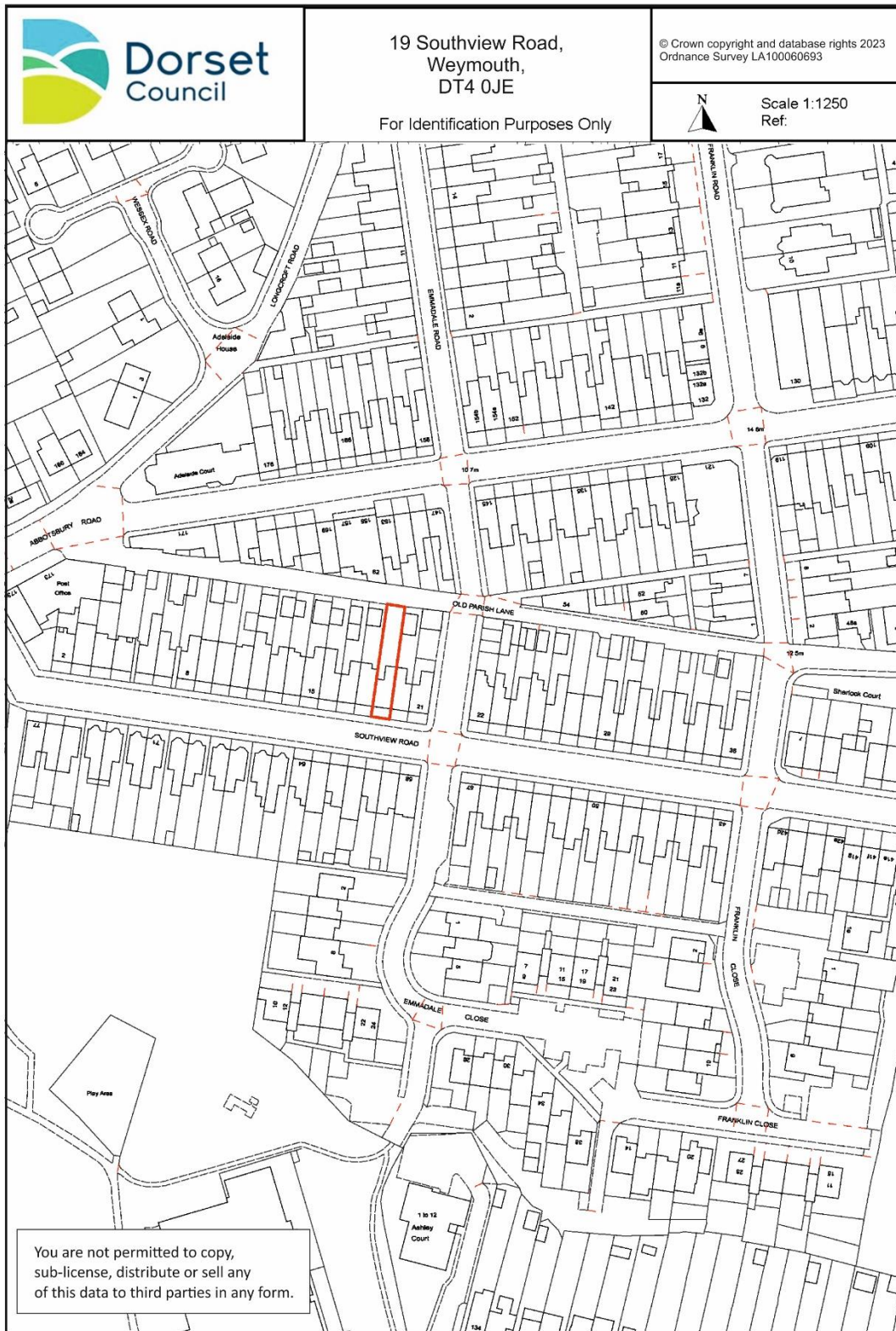
### **Article 14 (of the Convention)**

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 19 Southview Road, Weymouth DT4 0JE.



## Appendix 2

### Photographs of 19 Southview Road, Weymouth DT4 0JE



Picture of current temporary scaffolding support and boarding up.

