

Salford City Council - Record of Decision

I Councillor Peter Connor, Lead member for Housing

in exercise of the powers conferred on me by Paragraph F6 (a) (vi), of the Scheme of Delegation of the Council do hereby authorise:

1. That the Strategic Director of Sustainable Regeneration, be authorised to enter into negotiations with the owner of 400 and 402 Lower Broughton Road, Salford, to acquire the property by agreement in order to secure its refurbishment and subsequent reoccupation.
2. That, if negotiations are not successful in acquiring 400 Lower Broughton Road by agreement, the Strategic Director for Sustainable Regeneration, be authorised to proceed with a compulsory purchase order under Part 2 Section 17(1)(b) of the Housing Act 1985
3. That, if negotiations are not successful in acquiring 402 Lower Broughton Road by agreement, the Strategic Director for Sustainable Regeneration, be authorised to proceed with a compulsory purchase order under Part 2 Section 17(1)(b) of the Housing Act 1985
4. The Strategic Director for Sustainable Regeneration will on acquiring 400 Lower Broughton Road submit a further report to the Lead Member with recommendations of future action regarding renovation and subsequent reoccupation of the property based on the prevailing economic situation and housing market conditions at that time
5. The Strategic Director for Sustainable Regeneration will on acquiring 402 Lower Broughton Road submit a further report to the Lead Member with recommendations of future action regarding renovation and subsequent reoccupation of the property based on the prevailing economic situation and housing market conditions at that time.

The reasons are that:

This dilapidated and structurally unsound property, empty since December 2008 undermines the amenity of the local area and is in discord with the council's Mission Statement, Pledge 7: Enhancing Life in Salford and the Empty Property Strategy.

It has not been possible to achieve a satisfactory solution by agreement with the owner. Consequently, it is considered that there is a compelling case in the public interest for the exercise of compulsory purchase powers.

Options considered and rejected were:

(i) **Improvement Notice**

It is anticipated that the service of an improvement notice would not lead to a satisfactory outcome given the owner's failure to comply with previous notices.

(ii) **Demolition**

The cost of renovating the property would be substantial; however, its condition does not merit demolition. The property could be an asset to the area. The locality is well occupied and suitable for continued residential development.

(iii) **Empty Dwelling Management Order (EDMO)**

The use of an EDMO is considered inappropriate because of the severe state of disrepair and high cost of refurbishment which would be incurred by the council.

The time it would take to recover costs and the council's subsequent management expenses from rental revenue is considered to be unacceptable.

(iv) **Enforced Sale**

Although the council would recoup existing land charges on the sale of the property, this is considered an undesirable option owing to the uncertainty of the future of the property once sold. Renovation and reoccupation would not be guaranteed.

(v) **Deferred Action**

The condition of the property and associated anti-social behaviour are issues incompatible with the council's Empty Property Strategy. There is a demand for good quality housing in the area, particularly traditional family homes such as this. Complaints have been received regularly and continue to be received from neighbours and the state of the property is not only detrimental to the amenity of the area but also structurally unsound and would deteriorate further if left continuing to affect the adjoining property.

Assessment of Risk:

The risk is considered to be low for compulsory purchase action. The Secretary of State has the power to vary or refuse to confirm a compulsory purchase order if dissatisfied that the council has followed the correct procedures or failed to make a justifiable case. However, the action is considered to be a compelling case in the public interest. The council's legal representatives would be involved throughout to ensure that the order is processed correctly.

The risk is considered to be high for the disposal of the property in the present economic climate. On acquisition a further report will be submitted with recommendations whether to refurbish or rebuild the property and subsequent disposal and reoccupation reflecting the fiscal situation at the prevailing time. Nevertheless the risk is considered acceptable when compared with the risk of not taking action and leaving the property in its current condition which has had a detrimental effect on the local area and residents for a number of years.

The source of funding is:

Housing Market Support Enforcement Budget.

Legal advice obtained:

LEGAL IMPLICATIONS Supplied by Tony Hatton Tel: 0161 793 2904: The council seem to have considered all viable options in this case, it appears that it can therefore demonstrate a compelling case for the Order and that the proposals for the site would promote and improve the well-being of the area, and complies with policies for regeneration which justify interfering with the rights of the parties affected

Joe Busby Tel: 0161 793 3164: The council's legal services will oversee the Compulsory Purchase Order submission process to ensure that all statutory procedures are adhered to and processed correctly.

Ian Coupe Tel: 0161 793 3147: In addition to the market value for the interest in the property the owner is entitled to a statutory basic loss payment of 7.5% of the market value or £75,000 whichever is the lower under the provisions of s. 33A of the Land Compensation Act 1973.

Financial advice obtained:

Peter Butterworth Tel: 0161 922 8791: There is provision within the 2009/10 Sustainable Regeneration (Private Sector Housing) Enforcement capital budget for the acquisition of this property. Provision will need to be made in future years to support refurbishment / rebuild costs. The costs will be partially recouped by the subsequent sale of the property.

The following documents have been used to assist the decision process:

The Empty Homes Strategy
Housing Needs Survey 2007
Salford City Council Housing Strategy

Contact Officer: Adele Turner Tel No: 061 793 2751

~~*This matter is also subject to consideration by the Lead Member for/ Director of and, accordingly, has been referred to that Lead Member / Director for a decision.~~

*This decision is not subject to consideration by another Lead Member/Director

*This document records a key decision, but the matter was not included in the Council's Forward Plan and it has been dealt with under the emergency procedure.

~~*This decision is urgent and is not subject to call-in, in accordance with paragraph 5 of the Decision Making Procedure Rules~~

*The appropriate Scrutiny Committee to call-in the decision is the ^{NEIGHBOURHOODS} Scrutiny Committee.

Key:

Tick boxes at the end of these lines, as appropriate.

Signed:



FOR COMMITTEE SERVICES USE ONLY

* This decision was published on. 6/4/10

* This decision will come in force on # unless it is called-in in accordance with the Decision Making Process Rules. 14/4/10

Key:

Insert date five days after decision notice is to be published.

