

## **Annex 1**

### **Summary of the other Enforcement Tools which could be used by the Council to Bring Empty Properties Back into Use**

A Compulsory Purchase Order (CPO) involves the Council purchasing the property (without the consent of the owner) then selling it on for redevelopment. It can be a condition of sale that the new owner must bring the property back into use within a set timescale. This is a long, drawn out and complex legal procedure.

Enforced sale involves forcing the sale of the property in order to recoup a debt owed to the Council. Again, the property can then be resold for redevelopment. This option has two draw backs. Firstly, the Council must have a land charge debt registered against the property and secondly, unlike with a CPO, the property must be sold on the open market therefore the Council has no control over the new ownership.

Although both enforced sale and CPO can be complex, they have the advantage of offering a 'final solution' in that ownership changes and therefore, in the vast majority of cases, the property is reoccupied without any further problems.

### **Summary of the Financial and Resource Implications Associated with the Use of EDMO's**

There are a number of resource implications for the Council should Empty Property Dwelling Management Orders (EDMO's) be used. In particular:

A revenue budget would need to be identified to fund the set-up, insurance and ongoing revenue costs of any management contract. Such set up costs are unlikely to be fully recoverable through the scheme.

Capital and revenue budgets would need to be identified to fund the initial refurbishment and on-going maintenance costs for any properties subject to an EDMO.

Due to the limitations in the use of EDMO's, the size and value of any contract for housing management is difficult to determine and this may not therefore be an attractive proposition for potential delivery organisations. This could affect the value for money aspect of any negotiated contract.

Due to the limited suitability of empty homes for EDMO's, the Council could incur significant financial costs to establish the contract and procedures necessary to deliver EDMO's but these may be under-utilised.

Unless additional staff resources were identified to establish the necessary contracts, systems and processes associated with a voluntary leasing and the delivery of EDMO's existing staff would have to be diverted away from current

empty homes activity. This will impact on service delivery in the short term and on the Council's performance against local and national targets.

### **Summary of the powers under Section 215 of the Town and Country Planning Act 1990**

This power can be exercised if it appears to the local planning authority that the amenity of the area is adversely affected by the condition of land or buildings. The local planning authority may serve a notice on the owner and occupier requiring steps to be taken to remedy the condition of the land or buildings within a specified time period. The time period cannot be less than 28 days.

Any person on whom the notice is served, and any other person having an interest in the land, may, within the specified period, appeal against the notice to the magistrates' court. An appeal may be made on a number of grounds, including claiming that the condition of the land or buildings does not adversely affect amenity. There is a right of further appeal to the Crown Court.

Once the notice takes effect, it is an offence to fail to take the steps required within the period specified; and the local planning authority may enter the land or buildings and take those steps, and recover the costs of doing so from the owner. The costs become a charge on the property.

### **Summary of the powers under the Planning (Listed Buildings and Conservation Areas) Act 1990.**

#### Section 54

A local authority may carry out any works urgently necessary for the preservation of an unoccupied listed building, after giving seven day's notice to the owner. The notice should specify the works to be carried out. The local authority are entitled to seek to recover their expenses from the owners by serving a further notice and the owner has 28 days to challenge the requirements by making representations to the Secretary of State.

#### Section 48

The compulsory purchase of a building by the local authority under s47 has to be preceded, at least two months previously, by the service of a repairs notice. The notice should specify the works considered to be reasonably necessary for the proper preservation of the building. The notice can be withdrawn. The owner may serve on the local authority a listed building purchase notice.

#### Section 47

If, after two months from the service of a repairs notice (served under section 48), the local authority considers that reasonable steps are not being taken for properly preserving the building, the local authority may serve notice of a compulsory purchase order on every owner, lessee or occupier. Any person having an interest in the building may apply to the magistrates' court for an

order staying the compulsory purchase on the grounds that reasonable steps have been taken. There is a provision in this section for the payment of compensation.