

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 15 October 2025
Subject:	Policy and Procedure – Enforced Sale	
Report of	Cabinet Member for Housing Services	

Summary

1. This report seeks members approval to adopt an enforced sale combined policy and procedure as an additional tool to assist with reducing the number of empty properties in the borough.

Recommendation(s)

2. Approve, adopt and implement the enforced sale policy and procedure
3. Delegate authority to Assistant Director – Public Protection and Resilience to authorise enforced sale of properties deemed suitable where appropriate.

Reasons for recommendation(s)

4. The enforced sale policy and procedure is a tool which can be used to support returning long term empty properties back into habitable use. It has the potential to support an area's regeneration effort, support the provision of housing while recovering outstanding Council debts. It signals the Council's commitment to addressing the issues that long empty property often present, such as area deterioration, crime and anti-social behaviour. The policy allows the Council to be open, transparent and accountable in decision making when considering a property for an enforced sale and further commits to the Council's strategic objectives.

Alternative options considered and rejected

5. Not adopt the policy and procedure.
In the absence of an established policy and procedure, officers are unable to appropriately assess or justify the use of enforced sale powers. This limits the Council's ability to intervene effectively, resulting in the continued accumulation of debt on affected properties. These properties are likely to deteriorate further, contributing to blight and negatively impacting the surrounding communities..

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Background

6. The Council recognises that long term empty homes and sites are a wasted resource that can blight neighbouring properties and the surrounding area. Where possible the Council will prioritise engaging with owners of empty properties to encourage their return to use, using a combination of advice, guidance, persuasion and enforcement. However, in circumstances where this approach isn't successful, other measures may be necessary.
7. One option available to Local Authorities is an enforced sale of property. An enforced sale is a legal process under the Law and Property Act 1925, by which the Council can sell a property where there is outstanding debt owed to the Council.
8. This report seeks to introduce a policy and procedure for operational use when officers are considering an enforced sale. Although Compulsory Purchase powers are available under the Housing Act 1985, this procedure has drawbacks, not least of which is the considerable length of time the process takes and the burden on staff resources. Also, such a course of action is dependent on financial resources being made available from capital reserves. The enforced sale procedure is a relatively straightforward legal process and does not require upfront capital funding.
9. Due to the nature of an enforced sale, it is expected that not only will any outstanding debt be recovered, but the empty property will also be brought back into use, as it will be sold either at auction or via private treaty to a suitable buyer, therefore supporting the wider aims of providing suitable housing within the borough.
10. A number of legislative provisions allow for the creation of local land charges, (which the enforced sale relies upon) following non-compliance with formal enforcement action. For example, where an owner has failed to comply with the requirements of an abatement notice under s.80 of The Environmental Protection Act 1990, the Act allows the Council to act in default of the notice and carry out the necessary works in default to abate the nuisance. The costs of the Council carrying out such works may then be registered as a local land charge against the property address. Other provisions include works in default carried out under;
 - Housing Act 2004 (HA 2004 s11, s12, s28, s29, s20, s21, s40, s43)
 - Prevention of Damage by Pests Act 1949 (PDPA 1949 s4)
 - Building Act 1984 (BA 1984 s59, s76, s77, s78 s.79)
 - Town and Country Planning Act 1990 s.215
11. Where charges are registered, the Council has the power of sale of the property, conferred by the local land charge, to recover the money it is owed for carrying out the works in default of a legal notice. It is the same power that

a bank or building society would rely upon to sell a house, when the owner has defaulted on the mortgage, which is secured as a Charge against the property.

12. Where a property is sold using this procedure, the Council can deduct from the sale proceeds the original works in default costs, the legal costs in undertaking the enforced sale procedure, conveyancing costs in connection with the sale, auctioneers or other marketing costs, and other Officer time in relation to the enforced sale process.
13. The remaining balance of sale proceeds must be paid over to the former owner of the property after other Charges are satisfied. If the owner cannot be traced, the remaining sale proceeds will be retained by the Courts for a period of 12 years, in accordance with Section 63 of the Trustee Act 1925.
14. The policy confirms that the Council will actively pursue the use of enforced sale where debt over £1000 is owed, there have been at least two instances of work in default carried out by the Council and the owner is either absent, unwilling or unable to pay, and it is unlikely that debt will be repaid. It is also recognised in the policy that where the debt owed is below £1000 there will be occasions when the policy should be applied, particularly where the impact of the condition of the empty property on neighbours or the neighbourhood is significant.

Links with the Corporate Priorities:

15. Lets do it: Has a focus on improving the quality of life for residents living in Bury. The enforced sale policy and procedure can be used to reduce the blights on neighbourhoods caused by empty and decaying properties. It can also be used in conjunction with other internal partners to help regenerate an area and promote a happy and healthy place to live.
16. Housing strategy: The housing strategy has defined outcomes including; more homes in the borough, a dynamic housing market and good quality, healthy homes and places. The enforced sale promotes those objectives, and can be used to promote healthy and safe neighbourhoods by, (in circumstances which allow) enforcing the sale of properties left with mounting debts and in a state of deterioration. The strategy recognises that as our population grows, nationally and local there is a shortfall of homes across the borough. Making use of the enforced sale procedure, provides the Council with another tool to increase the supply of homes for occupation.
17. Empty property strategy: Our empty homes strategy recognises that empty properties are a wasted resource and asset across the borough. Outcomes of the strategy include; reducing the number of long term empty properties and minimising the negative effects of empty properties on local neighbourhoods. The enforced sale policy and procedure provides the Council with another tool to enforce sales of empty properties. The policy specifically refers to enforcing the sale of empty properties. In order to operate with transparency and

consistency, the enforced sale policy and procedure needs to be adopted in order to exercise this function.

Equality Impact and Considerations:

A full EQIA have been completed which identified potential negative impacts across several characteristics. Amendments have been made to the policy and intended application of the policy to mitigate these impacts. All impacts are therefore neutral and there are no outstanding equalities concerns.

Environmental Impact and Considerations:

18. Not applicable

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Complaints and legal challenge	The use of the ESP is likely to be infrequent and used as a last resort which will minimise the risk of complaints and challenge. The criteria in the policy provide for consistent use that should reduce the risk of challenge or complaint. The adoption of the Procedure (and Policy?) is however likely to indirectly reduce other service complaints, particularly in relation to pests, waste and anti-social behaviour.
Additional burden on Councils legal resources	The use of the ESP is likely to be infrequent and used as a last resort. Effective case and time management from officers will ensure that legal services are not overwhelmed with requests to pursue an enforced sale.
Use of policy allows property to be sold, may not be successful in returning property to habitable use	Policy allows for sale of property by private treaty to preferred buyer. Further enforcement action could also be taken against new owner who fails to return property to habitable use
Council tax recovery	Working along colleagues in the Council tax department, the Council will ensure that any outstanding council tax debt is secured against the property before pursuing an enforced sale, to allow the

	debt to be recovered as part of the enforced sale procedure.
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Legal Implications:

19. The legal basis for a council to exercise the powers referred to within the report arises from the Law of Property Act 1925 which is supplemented by various other statutory provisions, set out in detail within the Report and the Policy.
20. Should Cabinet approve the policy, appropriately authorised officers, will be able to use the powers in accordance with the policy and the relevant law. They will need support from Legal Services in securing enforced sales of property.

Financial Implications:

21. There are no direct financial implications of this report.

Appendices:

Appendix 1 - Enforced Sale Procedure 2025

Background papers:

Law and Property Act 1925

<https://www.legislation.gov.uk/ukpga/Geo5/15-16/20/contents>

Private Sector Housing Enforcement Policy

<https://www.bury.gov.uk/asset-library/bury-private-sector-housing-enforcement-policy.pdf>

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
AP1	Application to Change the Register
BA 1984	Building Act 1984
CPN	Community Protection Notice
DMO	Empty Dwelling Management Order
DMT	Departmental Management Team
EG	Economic Growth
EPA 1990	Environmental Protection Act 1990
EQIA	Equality Impact Assessment

ESP	Enforced Sale Policy/Procedure
HA 2004	Housing Act 2004
HHSRS	Housing Health and Safety Rating System
HMLR	HM Land Registry
L&D	Land and Development
LGMPA 1976	Local Government (Miscellaneous Provisions) Act 1976
LLC	Local Land Charge
LPA 1925	Law of Property Act 1925
MO	Monitoring Officer
PDPA 1949	Prevention of Damage by Pests Act 1949
PSE	Public Sector Equality
RD	Reducing Deprivation
S151 Officer	Section 151 Officer (Chief Financial Officer)
SC	Statutory Charge
SLG	Strategic Leadership Group
TCPA 1990	Town and Country Planning Act 1990