



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART VII

#### RENEWAL AREAS

#### 89 Declaration of renewal area

- (1) Where a local housing authority, upon consideration of such a report as is mentioned in subsection (3) below and of any other matters which the authority consider relevant, are satisfied—
  - (a) that the living conditions in an area within their district consisting primarily of housing accommodation are unsatisfactory, and
  - (b) that those conditions can most effectively be dealt with by declaring the area to be a renewal area,then, subject to the following provisions of this Part, they may cause the area to be defined on a map and by resolution declare it to be a renewal area.
- (2) A renewal area may not include—
  - (a) any land which lies within a designated area, within the meaning of Part III of the Housing Act 1988 (housing action trusts); or
  - (b) any parcel of land which is not contiguous with another parcel of land within the area.
- (3) The report referred to in subsection (1) above is one prepared, at the request of the local housing authority, by a person appearing to the authority to be suitably qualified (who may be an officer of the authority) and shall include particulars of the following matters—
  - (a) the living conditions in the area concerned;
  - (b) the ways in which those conditions may be improved (whether by the declaration of a renewal area or otherwise);
  - (c) the powers available to the authority if the area is declared to be a renewal area;

- (d) the authority’s detailed proposals for the exercise of those powers during the period that the area will be a renewal area (if so declared);
  - (e) the cost of those proposals; and
  - (f) the financial resources available, or likely to be available, to the authority (from whatever source) for implementing those proposals;
- and the report shall contain a recommendation, with reasons, as to whether a renewal area should be declared.
- (4) In considering whether to declare an area to be a renewal area, a local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.
  - (5) Before exercising their power to declare an area to be a renewal area, a local housing authority shall take such steps as the Secretary of State may direct with respect to—
    - (a) the publicity to be given to the proposed exercise of the power;
    - (b) the persons from whom representations with respect to that proposed exercise are to be invited; and
    - (c) the consideration of any such representations.
  - (6) Subject to section 95 below, an area which is declared to be a renewal area shall be such an area for the period of ten years.
  - (7) A resolution declaring an area to be a renewal area has effect from the day on which it is passed and is a local land charge.

## **90 Conditions for declaration of renewal area**

- (1) An area may not be declared to be a renewal area unless,—
  - (a) the area contains not less than a specified minimum number of dwellings;
  - (b) of the dwellings in the area, not less than a specified proportion are privately owned;
  - (c) such conditions as may be specified with respect to the physical condition of the dwellings in the area and the financial circumstances of those living in the area are fulfilled; and
  - (d) such other conditions as may be specified are fulfilled;

and in this subsection “specified” means specified by directions made by the Secretary of State.
- (2) For the purposes of subsection (1)(b) above, a dwelling is privately owned unless a freehold or a leasehold interest in it is held by—
  - (a) a local authority;
  - (b) a new town corporation;
  - (c) an urban development corporation;
  - (d) a housing action trust; or
  - (e) the Development Board for Rural Wales.
- (3) Expressions used in paragraphs (a) to (d) of subsection (2) above have the meaning assigned by section 4 of the Housing Act 1985.
- (4) In this section “dwelling” includes a house in multiple occupation.

## **91 Steps to be taken after declaration of renewal area**

- (1) As soon as may be after declaring an area to be a renewal area a local housing authority shall—
  - (a) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution identifying the area and naming a place where a copy of the resolution, the map on which the renewal area is defined and the report referred to in section 89 above may be inspected at all reasonable times;
  - (b) take such further steps as appear to the authority best designed to secure that the resolution is brought to the attention of persons residing or owning property in the area and that those persons are informed of the name and address of the person to whom should be addressed inquiries and representations concerning action to be taken with respect to the renewal area;
  - (c) provide, or secure the provision of, a service of information and advice to persons residing or owning property in the area who wish to carry out works to housing accommodation in the area; and
  - (d) send to the Secretary of State the documents specified in subsection (2) below.
- (2) The documents mentioned in subsection (1)(d) above are—
  - (a) a copy of the resolution, the map on which the renewal area is defined and the report referred to in section 89 above; and
  - (b) a statement containing such information, relating to the declaration of the renewal area or the local housing authority's proposals for the area, as the Secretary of State may for the time being require, either generally or with respect to authorities in a particular area or in any particular case.

## **92 Duty to publish information**

- (1) Where a local housing authority have declared an area to be a renewal area, they shall from time to time publish, in such manner as appears to them best designed to secure that the information is brought to the attention of persons residing or owning property in the area, information with respect to—
  - (a) the action they propose to take in relation to the area,
  - (b) the action they have taken in relation to the area, and
  - (c) the assistance available for the carrying out of works in the area,being such information as appears to them best designed to further the purpose for which the area was declared a renewal area.
- (2) In exercising their functions under subsection (1) above, a local housing authority shall comply with such directions (relating to any of the matters mentioned in that subsection) as may from time to time be given by the Secretary of State.

## **93 General powers of local housing authority**

- (1) Where a local housing authority have declared an area to be a renewal area, the authority may exercise the powers conferred by this section.
- (2) For the purpose of securing or assisting in securing all or any of the objectives mentioned in subsection (3) below, the authority may acquire by agreement, or be authorised by the Secretary of State to acquire compulsorily, any land in the area on which there are premises consisting of or including housing accommodation or which

forms part of the curtilage of any such premises; and the authority may provide housing accommodation on land acquired under this subsection.

- (3) The objectives referred to in subsection (2) above are—
- (a) the improvement or repair of the premises, either by the authority or by a person to whom they propose to dispose of the premises;
  - (b) the proper and effective management and use of the housing accommodation, either by the authority or by a person to whom they propose to dispose of the premises comprising the accommodation; and
  - (c) the well-being of the persons for the time being residing in the area.
- (4) For the purpose of effecting or assisting the improvement of the amenities in the area, the authority may acquire by agreement, or be authorised by the Secretary of State to acquire compulsorily, any land in the area (including land which the authority propose to dispose of to another person who intends to effect or assist the improvement of those amenities).
- (5) The authority may—
- (a) carry out works (including works of demolition) on land owned by the authority in the area (whether or not that land was acquired under subsection (2) or subsection (4) above); and
  - (b) assist in the carrying out of works on any land in the area not owned by the authority, either by providing grants, loans or guarantees or by incurring expenditure for the benefit of the person assisted or by executing the works themselves or by providing materials for the carrying out of the works;
- but assistance may not be given under paragraph (b) above in respect of works for which assistance is being or has been provided under Part VIII of this Act.
- (6) The authority may enter into an agreement with a housing association or other person under which, in accordance with the terms of the agreement, all or any of the authority's functions under subsection (5) above are to be exercisable by that association or other person.
- (7) If after—
- (a) the authority have entered into a contract for the acquisition of land under subsection (2) or subsection (4) above, or
  - (b) a compulsory purchase order authorising the acquisition of land under either of those subsections has been confirmed,
- the renewal area concerned ceases to be such an area or the land is excluded from the area, the provisions of the subsection in question shall continue to apply as if the land continued to be in a renewal area.
- (8) The powers conferred by this section are without prejudice to any power which a local housing authority may have under or by virtue of any other enactment.

#### **94 Power to apply for orders extinguishing right to use vehicles on highway**

- (1) A local housing authority who have declared a renewal area may exercise the powers of a local planning authority under section 212 of the Town and Country Planning Act 1971 (extinguishment of right to use vehicles on certain highways) with respect to a highway in that area notwithstanding that they are not the local planning authority, but subject to the following provisions.

- (2) The local housing authority shall not make an application under subsection (2) or subsection (8) of that section (application to Secretary of State to make or revoke order extinguishing right to use vehicles) except with the consent of the local planning authority.
- (3) If the local housing authority are not also the highway authority, any such application made by them shall in the first place be sent to the highway authority who shall transmit it to the Secretary of State.
- (4) Where an order under subsection (2) of that section (order extinguishing right to use vehicles) has been made on an application made by a local housing authority by virtue of this section, any compensation under subsection (5) of that section (compensation for loss of access to highway) is payable by them instead of by the local planning authority.

## **95 Exclusion of land from, or termination of, renewal area**

- (1) Subject to subsection (2) below, a local housing authority may by resolution—
  - (a) exclude land from a renewal area; or
  - (b) declare that an area shall cease to be a renewal area;and as soon as may be after passing such a resolution the authority shall take the steps required by subsections (3) to (5) below.
- (2) Before exercising any power under subsection (1) above, an authority shall take such steps as the Secretary of State may direct with respect to—
  - (a) the publicity to be given to the proposed exercise of the power;
  - (b) the persons from whom representations with respect to that proposed exercise are to be invited; and
  - (c) the consideration of any such representations.
- (3) The authority shall send to the Secretary of State—
  - (a) a copy of the resolution; and
  - (b) such other information with respect to the resolution as the Secretary of State may specify either generally or in any particular case.
- (4) The authority shall publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
  - (a) identifying the renewal area;
  - (b) describing the effect of the resolution;
  - (c) naming a place at which a copy of the resolution may be inspected at all reasonable times; and
  - (d) in the case of a resolution excluding land, identifying the land excluded from the renewal area.
- (5) The authority shall take such further steps as appear to them best designed to secure that the resolution is brought to the attention of persons residing or owning property in the renewal area.
- (6) A resolution under subsection (1) above has effect from the day on which it is passed.
- (7) A resolution under subsection (1) above does not affect the continued operation of the provisions of this Part, or any other enactment relating to renewal areas, in relation to

works begun before the date on which the exclusion or cessation takes effect; but the resolution does have effect with respect to works which have not been begun before that date, notwithstanding that expenditure in respect of the works has been approved before that date.

## **96 Contributions by the Secretary of State**

- (1) The Secretary of State may pay contributions to local housing authorities towards such expenditure incurred by them under this Part as he may determine.
- (2) The rate or rates of the contributions, the calculation of the expenditure to which they relate and the manner of their payment shall be such as may be determined by the Secretary of State with the consent of the Treasury; and any determination under this subsection or subsection (1) above may be made generally, or with respect to a particular local housing authority or description of authority, including a description framed by reference to authorities in a particular area.
- (3) Contributions under this section shall be payable subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.
- (4) If, before the declaration of a renewal area, a local housing authority are satisfied that the rate of contributions which, in accordance with a determination under subsection (2) above, would otherwise be applicable to the authority will not be adequate, bearing in mind the action they propose to take with regard to the area, they may, before making the declaration, apply to the Secretary of State for contributions at a higher rate in respect of that area.
- (5) An application under subsection (4) above shall be made in such form and shall contain such particulars as the Secretary of State may determine; and, if such an application is made, the authority shall not declare the area concerned to be a renewal area until the application is approved, refused or withdrawn.
- (6) If an application under subsection (4) above is approved, the Secretary of State may pay contributions under subsection (1) above in respect of the area concerned at such higher rate as he may determine under subsection (2) above.

## **97 Powers of entry and penalty for obstruction**

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving not less than seven days' notice of his intention to the occupier, and to the owner if the owner is known, enter premises—
  - (a) for the purpose of survey and examination where it appears to the authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised; or
  - (b) for the purpose of survey or valuation where the authority are authorised by this Part to acquire the premises compulsorily.
- (2) An authorisation for the purposes of this section—
  - (a) shall be in writing stating the particular purpose or purposes for which the entry is authorised; and
  - (b) shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.

- (3) It is a summary offence intentionally to obstruct an officer of the local housing authority or of the Secretary of State, or a person authorised to enter premises under subsection (1) above, in the performance of anything which that officer, authority or person is by this Part required or authorised to do.
- (4) A person who commits an offence under subsection (3) above is liable on conviction to a fine not exceeding level 3 on the standard scale.
- (5) In this section “owner”, in relation to premises,—
  - (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or reversion, and
  - (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

## **98 Part VIII of Housing Act 1985**

- (1) The provisions of this Part have effect in place of Part VIII of the Housing Act 1985 (housing action areas and general improvement areas) and, accordingly, after the appointed day, a local housing authority shall no longer have power under that Part to declare an area a housing action area or a general improvement area.
- (2) If, apart from this subsection, a general improvement area would remain in existence on the first anniversary of the appointed day, the area shall, by virtue of this section cease to be a general improvement area on that first anniversary.
- (3) In any case where, immediately before the appointed day, the period for which a housing action area has effect exceeds two years, the duration of that area shall, by virtue of this section, be such that, subject to subsection (4) below, it ends on the first anniversary of the appointed day.
- (4) Nothing in subsection (3) above affects the power of a local housing authority,—
  - (a) by resolution under section 250(1)(b) of the Housing Act 1985, to bring a housing action area to an end; or
  - (b) by resolution under section 251 of that Act, to extend, on one occasion only, the duration of a housing action area by a period of two years.
- (5) In the application of section 245 of the Housing Act 1985 (contributions by Secretary of State towards expenditure of local housing authorities relating to environmental works in housing action areas) in relation to expenditure—
  - (a) which was incurred on or after 14th June 1989, and
  - (b) in respect of which no contribution under that section was paid before the appointed day,for subsection (2) of that section there shall be substituted the following subsection—
  - “(2) In the case of any expenditure, the contribution—
    - (a) shall be equal to one-half of the amount of the expenditure; and
    - (b) shall be payable in one sum or by two or more instalments, according as the Secretary of State may determine.”
- (6) In the application of section 259 of the Housing Act 1985 (contributions by Secretary of State towards expenditure of local housing authorities relating to general improvement areas) in relation to expenditure—

- (a) which was incurred on or after 14th June 1989, and
- (b) in respect of which no contribution under that section was paid before the appointed day,

for subsection (2) of that section there shall be substituted the following subsection—

“(2) In the case of any expenditure, the contribution—

- (a) shall be equal to one-half of the amount of the expenditure; and
- (b) shall be payable in one sum or by two or more instalments, according as the Secretary of State may determine.”

- (7) In the preceding provisions of this section “the appointed day” means the day appointed for the coming into force of this section.

## **99 Directions and guidance**

Any power under this Part to give directions or guidance may be so exercised as to make different provision for different cases, different descriptions of cases and different areas and, in particular, with respect to different local housing authorities or descriptions of authority (including a description framed by reference to authorities in a particular area).

## **100 Interpretation of Part VII**

- (1) In this Part, except where the context otherwise requires,—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with it;

“house in multiple occupation” has the same meaning as in Part XI of the Housing Act 1985, except that it does not include any part of such a house which is occupied as a separate dwelling by persons who do not form a single household;

“housing accommodation” means dwellings, houses in multiple occupation and hostels;

“local housing authority” and any reference to the district of such an authority shall be construed in accordance with sections 1 and 2 of the Housing Act 1985.

- (2) Part XVII of the Housing Act 1985 (compulsory purchase and land compensation) applies in relation to this Part as if it were contained in that Act.