INFORMATION FOR

Residential

Owner Occupiers, Tenants and Owners of Investment Property
Who is this information for?

You have received this information pack because you are a residential owner occupier or tenant, or the landlord of a residential property, on Wellhead Lane or Birchfield Road, Perry Barr, which the Council wishes to buy to progress the regeneration proposals for the area.

What does the pack include?

1. The pack provides some general information about compulsory purchase, and answers some frequently asked questions.
2. The pack provides information about support and guidance for a range of different people. Please make sure that you read the section which is relevant to your circumstances. You may be:
   • an owner occupier (you own or have a mortgage on the property you live in)
   • a tenant (you rent your property from a private landlord or registered social landlord)
   • an investment landlord (you own or have a mortgage on the property and rent it out to tenants)
3. The pack also provides details of how to get more information, including ‘surgery’ sessions which will be held locally. Details of how to book in to the surgery sessions are included. There is also a form to fill in if you are attending a surgery – it will save time if you can complete this in advance.
4. The pack provides contact details so that we can respond to any further questions you may have.

What is a CPO?

Because there is a limited amount of time to prepare for the Commonwealth Games, the Council needs to be sure that it can buy the land needed to deliver the proposals within a reasonable time. To do this the Council will be using a CPO alongside normal negotiations. If the Council is not able to negotiate a purchase of a property by agreement, a CPO (if authorised) allows the Council to buy land even if the owner does not agree. The Council is legally obliged to pay a fair price for the property under a CPO.

To use CPO powers the Council has to go through a legal process to ensure using these powers is justified. It does this by making a CPO and asking the Secretary of State (the Government) to approve it. The Council have a statutory obligation to notify everyone affected by a CPO and anyone affected can object and make their case at a Public Local Inquiry if they wish, before the Secretary of State makes a decision.

You should already have received letters from the Council giving you notice of the CPO and telling you how to object. If your property is affected by the CPO and you have not received any letters from us (or if you are aware of someone else to whom this applies) please get in touch as soon as possible.

When will I have to move out?

The CPO process can take many months. However, we recognise that moving home – especially under these circumstances – can be stressful and disruptive, and that you will want to secure alternative accommodation. We will look to support you to find and move to appropriate accommodation, in line with your particular circumstances, over the next 12 months or so.

What support is available?

The following sections explain more about the options you may wish to consider and the support which will be available to you. In order to provide bespoke support we need to better understand your particular circumstances. The form attached at the end of this pack will help us to do this.
INFORMATION FOR OWNER OCCUPIERS

If you own the property you live in on Wellhead Lane or Birchfield Road you are an owner occupier.

As the owner of a property which the Council is seeking to purchase on CPO terms, you are entitled to seek independent advice from a professionally qualified person, such as a Surveyor or Solicitor, who can advise you on your rights and act on your behalf if appropriate. This will enable you to access independent, professional advice, without leaving you out of pocket.

Birmingham City Council will reimburse you for reasonable costs/fees which you have to pay to this adviser, but you must tell us what the cost will be before they start work or you may not be reimbursed all the costs you have to pay. You can ask your adviser to contact us and agree a fee basis before they start work.

A qualified RICS Chartered Surveyor will undertake an independent valuation, give you guidance and advice on the compulsory purchase process and compensation. If you choose to appoint a RICS Chartered Surveyor, they should work in accordance with the RICS professional statement and have good knowledge of the valuation, compulsory purchase and compensation process.

Please note that the Council will only reimburse agreed fees and costs which relate to negotiating your compensation and selling your property. If you wish to object to the CPO you are entitled to do so and it is up to you to decide if you want a professional adviser to help you but the Council will not routinely reimburse any costs or fees that relate to objecting to the CPO.

What happens next?

You may have received contact from the Council’s surveyors (Gateley Hamer, if you live on Wellhead Lane, or Carter Jonas if you live on Birchfield Road) to arrange access to inspect your property. This is the first step of the valuation process, whether this is by voluntary acquisition or by the CPO. Following the inspection, the Council’s surveyors will contact you or your Agent with an offer to voluntarily acquire your property. You should discuss this offer with your Agent if appointed, seek independent professional advice, or contact Gateley Hamer or Carter Jonas to discuss further.

The offer for your property will be at Market Value - the amount which it might be expected to sell for if you decided to sell on the open market. In addition you will be entitled to a Home Loss payment and disturbance compensation.

What compensation am I entitled to?

The Home Loss payment is 10% of the agreed Market Value (provided you have lived at the property as your principal residence for 12 months or more) and is compensation to recognise the distress and inconvenience of you having to move home. It will also give you some price flexibility when looking for a replacement home. The payment is payable once you have moved and given vacant possession of your property.

Disturbance compensation covers the reasonable costs and expenses of vacating and moving to a replacement property. This can include (but is not limited to) professional costs and fees in purchasing another property, removal costs, disconnection of appliances and redirection of mail.

Your Agent (if appointed), can give you more advice on the expenses you can claim and the information you will have to provide.

1 RICS Professional Statement “Surveyors advising in respect of compulsory purchase and statutory compensation” 1st edition, April 2017
What are my options to find a new home?

Buying another property on the Open Market
You should seek independent professional advice. Your Agent, if appointed, should be able to advise you on the reasonable costs and fees you may be able to claim through your Disturbance compensation. If you are having difficulty finding suitable premises for sale please let us know and we may be able to help. The price agreed for your property will enable you to realise the value of your property and buy another property at the same time, as would happen if you sold your property privately.

A Private Tenancy
The City Council and its Agents will be maintaining an ‘available property list’ of homes for private rent in the area which may be suitable for you. This can be provided on request by the City Council’s Agents – see the Useful Contacts section of this pack. You can of course carry out your own search - Private Landlords often advertise properties available to rent in local newspapers or newsagents, and Letting Agents and Estate Agents often let and manage properties for private landlords. For advice about renting from a private landlord you can contact the Private Tenancy Unit – see the Useful Contacts section of this pack. The Council may be able to assist you through our own Social Letting Agency “Let To Birmingham”.

Applying to the Council for Social Rented Housing
The Council has a statutory duty to rehouse occupiers following compulsory purchase, subject to certain conditions being met. The Council operates a Waiting List for accommodation, and you may be able to apply to the Council for accommodation depending on your circumstances. There will be opportunities to discuss this further at the Surgeries, and the Council’s rehousing team will support you to apply for Council Housing if you are eligible.

The contact details for the City Council’s housing team are included in the Useful Contacts section of this leaflet.

Applying to Registered Social Landlords
Registered Social Landlords (RSL’s) or Housing Associations in Birmingham have accommodation across the Birmingham area. Each operates a waiting list and has different criteria for applying for accommodation. A list of RSLs and Housing Associations can be found online – details are provided in the Useful Websites section of this pack.
**INFORMATION FOR TENANTS OF PRIVATE OR REGISTERED SOCIAL LANDLORDS**

*If you rent your property from a private landlord or a registered social landlord you are a tenant.*

During the CPO process you will still be a tenant of your current Landlord. Your Landlord should keep you informed on matters that affect your tenancy and the property that you occupy and should still meet their legal obligations such as repairs. You do not need your Landlord's permission to comment on the CPO or to make enquiries of the Council.

**What happens next?**

The Council will be negotiating with your Landlord to acquire the property you occupy. Your Landlord should notify you if they reach a voluntary agreement with the Council to sell the property. When they sell the property the Council will require the Landlord to ensure the property is empty, and the Landlord will serve a legal notice on you requiring you to leave. The legal notice should state the date you have to leave the property. This notice is the first stage of the process to end your tenancy. If you haven’t found a new home by the date the notice expires your landlord will have to apply to the County Court for an Order of Possession. You only have to leave once the Court says you have to. Once you have been served with a notice or if your landlord tries to force you out of your home you should take advice. You can contact the Private Tenancy Unit – see the Useful Contacts section of this pack.

Before this agreement is reached you may wish to start considering your options to find a new home.

**What are my options to find a new home?**

**A Private Tenancy with your current Landlord**

Your current Landlord may be able to offer you a private tenancy in another property they own and having a conversation early on with your landlord may allow you to find out about any opportunities.

**A Private Tenancy with another Landlord**

The City Council and its Agents will be maintaining an ‘available property list’ of homes for private rent in the area which may be suitable for you. This can be provided on request by the City Council’s Agents – see the Useful Contacts section of this pack. You can of course carry out your own search - Private Landlords often advertise properties available to rent in local newspapers or newsagents, and Letting Agents and Estate Agents often let and manage properties for private landlords. The Council may be able to assist you through our own Social Letting Agency “Let To Birmingham”.

**Applying to the Council for Social Rented Housing**

If your Landlord does not sell voluntarily to the Council, and the CPO is authorised by the Secretary of State, then the Council will have a statutory duty to rehouse certain occupiers. You may be able to apply to the Council for accommodation depending on your circumstances. There will be opportunities to discuss this further at the Surgeries, and the Council’s rehousing team will support you to apply for Council Housing if you are eligible.

**Applying to Registered Social Landlords**

Registered Social Landlords (RSL’s) or Housing Associations in Birmingham have accommodation across the Birmingham area. Each operates a waiting list and has different criteria for applying for accommodation. A list of RSLs and Housing Associations can be found online – details are provided in the Useful Websites section of this pack.
INFORMATION FOR OWNERS OF INVESTMENT PROPERTIES

If you own or have a mortgage on a property which you rent out to tenants you are considered to own an investment property.

The CPO process can take many months.

You are entitled to seek independent advice from a professionally qualified person, such as a Surveyor or Solicitor, who can advise you on your rights and act on your behalf if appropriate.

Birmingham City Council will reimburse you for reasonable costs/fees which you have to pay to this adviser, but you must tell us what the cost will be before they start work or you may not be reimbursed all the costs you have to pay. You can ask your adviser to contact us and agree a fee basis before they start work.

A qualified RICS Chartered Surveyor will undertake an independent valuation, give you guidance and advice on the compulsory purchase process and compensation. If you choose to appoint a RICS Chartered Surveyor, they should work in accordance with the RICS practice statement and have good knowledge of the valuation, compulsory purchase and compensation process.

Please note that the Council will only reimburse agreed fees and costs which relate to negotiating your compensation and selling your property. If you wish to object to the CPO you are entitled to do so and it is up to you decide if you want a professional adviser to help you but the Council will not routinely reimburse any costs or fees that relate to objecting to the CPO.

What happens next?

You may have received contact from the Council’s surveyors (Gateley Hamer, if your property is on Wellhead Lane, or Carter Jonas if it is on Birchfield Road) to arrange access to inspect your property. This is the first step of the valuation and voluntary acquisition process. Following the inspection, the Council’s surveyors will contact you or your Agent with an offer to voluntarily acquire your property.

You should discuss this offer with your Agent if appointed, seek independent professional advice, or contact Gateley Hamer or Carter Jonas to discuss further.

The offer for your property will be at Market Value - the amount which it might be expected to sell for if you decided to sell on the open market. In addition you will be entitled to a Basic Loss payment and reasonable reinvestment costs (in certain circumstances).

If you currently rent out your property to a tenant, you should continue to fulfil your Landlord obligations. You should continue to keep your tenant informed on matters relating to the property, their tenancy and undertake necessary repairs.

The Council will require any agreement to buy your property to include vacant possession. You will be responsible for gaining vacant possession of your property from your tenant. This should be in accordance with the agreed acquisition time period agreed with the Council. You must follow the correct legal procedure to end the tenancy.

What compensation am I entitled to?

As well as receiving the market value of your property, you will be entitled to a Basic Loss payment. The Basic Loss payment is 7.5% of the agreed Market Value and is compensation to recognise the distress and inconvenience of you having to sell your property.

Compensation for reinvestment costs is payable in respect of reasonable costs, charges or expenses incurred in acquiring an equivalent replacement property in the United Kingdom, within twelve months of the acquisition of your current property by the Council. Please note that for the cost of reinvestment to be met, a replacement property will have to be acquired in the same name as the person or legal entity holding the acquired property.

As an investor, if you choose not to re-invest you will be liable to pay capital gains tax as normal when a gain has been made.
To enable us to provide you with support, a number of
surgery sessions will be held at the Doug Ellis Sports
Centre, Wellhead Lane, where you can speak to the
Council and agents and get the advice you need.

Half hour slots will be available at all of the sessions.
If you want to attend one of these sessions you
will need to book a slot as set out below. Please
complete the enclosed form and bring it to your
appointment slot.

To book please contact
Atif Ali, Development Officer,
atif.ali@birmingham.gov.uk
or call 0121 303 4674.

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<thead>
<tr>
<th>Session</th>
<th>Location</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Session 1</td>
<td>Doug Ellis Sports Centre, Wellhead Lane</td>
<td>Tuesday 19 February 2019</td>
<td>3pm – 7 pm</td>
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<tr>
<td>Session 2</td>
<td>Doug Ellis Sports Centre, Wellhead Lane</td>
<td>Thursday 21 February 2019</td>
<td>9am – 2pm</td>
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<td>Session 3</td>
<td>Doug Ellis Sports Centre, Wellhead Lane</td>
<td>Saturday 23 February 2019</td>
<td>10am – 3pm</td>
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USEFUL WEBSITES

For further detail about the Perry Barr CPO and to view documents:
www.birmingham.gov.uk/perrybarrcpo

For information about Social Housing:
https://www.birminghamchoice.co.uk/

For a list of Housing Associations:
https://www.birmingham.gov.uk/info/50113/advice_and_support/1223/housingassociations_advice

The Council will pay reasonable surveyor/legal fees relating to the acquisition of property of those affected.

Appropriate surveyors can be found at:
http://www.rics.org/uk
http://www.ricsfirms.com

Or suitable solicitors firms can be found at:
http://solicitors.lawsociety.org.uk

USEFUL CONTACTS

General enquiries about the development proposals
Rebecca Farr
Development Planning
Birmingham City Council
Tel. 0121 464 9857
Email rebecca.farr@birmingham.gov.uk

Enquiries about Rehousing
Carol Nicholls
Housing
Birmingham City Council
Tel. 0121 303 1892
Email carol.nicholls@birmingham.gov.uk

For residential properties on Wellhead Lane
Steve Moon
Gateley Hamer
Birmingham City Council
Tel. 0121 212 7863 or 07872 468 756
Email steve.moon@gateleyhamer.com

For residential properties on Birchfield Road and Crown Avenue
Katryna Ley
Carter Jonas LLP
Tel. 0121 306 0401 or 07826893322
Email katryna.ley@carterjonas.co.uk

Shelter
Tel.0344 515 1800
Birmingham City Centre Citizens Advice
Ground Floor Gazette Buildings
168 Corporation Street
Birmingham
B4 6TF
Tel.0344 477 1010
Web www.citizensadvice.org.uk

Private Tenancy Unit
Birmingham City Council
Tel. 0121 303 5070
Email prs@birmingham.gov.uk