

Resolution: Housing Act 2004

Property: **20 Bute Avenue Blackpool FY1 2HR**

BLACKPOOL BOROUGH COUNCIL

1. Whereas Blackpool Borough Council (“the Borough Council”) is a ‘local housing authority’ within the meaning of Section 261 Housing act 2004 (“the Act”).
2. And where a local housing authority is satisfied that a category 1 hazard exists on any residential premises, the local housing authority must take the appropriate enforcement action in relation to the hazard as detailed in section 5(2) to the Act.
3. And whereas a Notice under Section 11 of the Act is to be served in accordance with Schedule 1 of the Act.
4. And whereas the local housing authority may, by Virtue of Subsection (1) of Section 49 of the Act make reasonable charge for the service of a notice under section 11 of the Act, and that charge may, by virtue of Subsection (2) of Section 50 of the Act be recovered from any person on whom a copy of the order is served. By virtue of Section 50 of the Act, from the time when the demand becomes operative, the sum recoverable by the local housing authority is, until recovered, a charge upon the premises and gives a local authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed.
5. And whereas such charge is by virtue of Section 1(1)(a) of the Local Land Charges Act 1975, registerable as a Local Land Charge.
6. And whereas, under Section 7 of the Local Land Charges Act 1975, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925, but without prejudice to the priority of the charge.
7. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed shall have inter alia the power of sale of the property so mortgaged.
8. And whereas pursuant to a notice dated 26 May 2021 the Borough Council gave Notice to the owner or owners of the property known as 20 Bute Avenue Blackpool FY1 2HR (“the premises”) under Section 11 of the Act by serving the Notice in accordance with Schedule 1 of the Act by –
  1. Addressing the Notice to Mr Casey Geom William Harwood and Mrs Sylvia Ann Palmer sending it in pre-paid letters addressed to them at \_\_\_\_\_ being their usual or last known residence

9. And whereas the demand for payment was sent to the owner on 26 May 2021, there being no appeal served upon the Borough Council within the period prescribed by Section 50(6) of the Act, the demand for payment in the sum of £430.00, the demand for payment became operative 21 days after service of the demand.
10. And whereas on the 2 July 2021 the Borough Council registered the cost of the works in Part 11 of Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises.
11. And whereas the local housing authority are satisfied that a category 1 hazard exists on any residential premises and they are further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any of the occupiers of those or any other residential premises and no management order is in force they may in accordance with section 31 of the Act take emergency remedial action by giving notice in accordance with Schedule 3 of the Act.
12. And whereas the expenses of such works may be recovered in accordance with paragraphs (6) to (14) of Schedule 3 to the Act and such expense plus interest thereon from when the demand becomes operative shall, until be recovered be a charge on the premises and all estates and interest in them and gives a local housing authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise, as if they were mortgages by deed having power of sale or lease, of accepting surrenders of leases and of appointing a receiver.
13. And whereas such charge is by virtue of Section (1)(1)(a) of the Local Land Charges Act 1975 registerable as a Local Land Charge
14. And whereas, under section 7 of the Local Land Charges Act 1925, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925 but without prejudice to the priority of the charge.
15. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed should have inter alia the power of sale of the property so mortgaged.
16. And whereas pursuant to a Notice dated 5 November 2021 the Borough Council gave Notice to the owner or owners of the property known as 20 Bute Avenue Blackpool ("the premises") by serving the Notice in accordance with Schedule 3 of the Act by –
  1. Addressing the Notice to Casey Geom William Harwood and Sylvia Ann Palmer and sending it in a pre-paid letter addressed to that person at \_\_\_\_\_ being the usual or last known residence of that person
17. And whereas there being no appeal served upon the Borough Council within the period prescribed by Paragraph 11 of Schedule 3 of the Act, the Borough Council executed the said works on the 15 November 2021 at a cost to the Borough Council of £1160.00.

18. And whereas on the 26.11.2021 the Borough Council registered the cost of the works in Part 11 of Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises, such charge attracting interest at such a rate from time to time applying.

19. And whereas the said monies continue to remain outstanding.

**BLACKPOOL BOROUGH COUNCIL** being now desirous of exercising their aforementioned power of sale over the premises to recover the costs they have incurred in relation thereto.

### **HEREBY RESOLVES**

1(i) To make application to the District Land Registry for Lancashire under the Land Registration Act 1935 to register their charge against all titles subsisting in the premises

1(ii) To claim, affirm and avow in said application the binding nature of the Borough Council's charge on all estates and interests in the premises and the priority of the Borough Council's charge over all existing and future charges affecting each and every title in the premises (whether or not they be registered), such claims, affirmations and avowels being supported by the decisions in Bristol Corporation –v- Virgin [1928] 2.K.B.622 and Paddington Borough Council –v- Finucane [1928] Ch567.

1(iii) to affix the Borough Council seal hereto.

### **HEREBY CERTIFIES TO HM LAND REGISTRY**

2(i) As recited in paragraph 4 of this resolution, the Act contains provisions conferring a charge on the premises and on all estates and interests therein.

2(ii) As further recited in paragraph 4 of this resolution, the Act confers on the Borough Council all the powers and remedies under the Law of Property Act 1925 and otherwise as if it is a mortgage by deed.

2(iii) The Borough Council has followed the procedure in the Act as to service of Notices and the carrying out of the works.

2(iv) The charge(s) for which an application for registration is made pursuant to 1(i) above affect(s) the whole of the property known as 20 Bute Avenue Blackpool FY1 2HR and registered under title number **LA464969**.

2(v) As recited in paragraphs 10 and 13 of this resolution, the charge(s) for which an application for registration is made pursuant to 1(i) hereof was/were registered in Part 2 of Blackpool Borough Council Register of Local Land Charges on the 2 July 2021 and the 26 November 2021

Dated:

The COMMON SEAL of the  
BLACKPOOL BOROUGH COUNCIL  
was hereunto affixed in  
pursuance of an Order of  
the Council of the said Borough

Authorised Signatory

Resolution: Housing Act 2004

Property: **Ground Floor Flat, 20 Bute Avenue Blackpool FY1 2HR**

BLACKPOOL BOROUGH COUNCIL

1. Whereas Blackpool Borough Council (“the Borough Council”) is a ‘local housing authority’ within the meaning of Section 261 Housing act 2004 (“the Act”).
2. And where a local housing authority is satisfied that a category 1 hazard exists on any residential premises, the local housing authority must take the appropriate enforcement action in relation to the hazard as detailed in section 5(2) to the Act.
3. And whereas a Notice under Section 11 of the Act is to be served in accordance with Schedule 1 of the Act.
4. And whereas the local housing authority may, by Virtue of Subsection (1) of Section 49 of the Act make reasonable charge for the service of a notice under section 11 of the Act, and that charge may, by virtue of Subsection (2) of Section 50 of the Act be recovered from any person on whom a copy of the order is served. By virtue of Section 50 of the Act, from the time when the demand becomes operative, the sum recoverable by the local housing authority is, until recovered, a charge upon the premises and gives a local authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed.
5. And whereas such charge is by virtue of Section 1(1)(a) of the Local Land Charges Act 1975, registerable as a Local Land Charge.
6. And whereas, under Section 7 of the Local Land Charges Act 1975, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925, but without prejudice to the priority of the charge.
7. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed shall have inter alia the power of sale of the property so mortgaged.
8. And whereas pursuant to a notice dated 26 May 2021 the Borough Council gave Notice to the owner or owners of the property known as Ground Floor Flat, 20 Bute Avenue Blackpool FY1 2HR (“the premises”) under Section 11 of the Act by serving the Notice in accordance with Schedule 1 of the Act by –
  1. Addressing the Notice to Mr Casey Geom William Harwood and sending it in a pre-paid letter addressed to that person at \_\_\_\_\_ being the usual or last known residence of that person

9. And whereas the demand for payment was sent to the owner on 26 May 2021, there being no appeal served upon the Borough Council within the period prescribed by Section 50(6) of the Act, the demand for payment in the sum of £430.00, the demand for payment became operative 21 days after service of the demand.
10. And whereas on the 02 July 2021 the Borough Council registered the cost of the works in Part 11 of Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises.
11. And whereas the local housing authority are satisfied that a category 1 hazard exists on any residential premises and they are further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any of the occupiers of those or any other residential premises and no management order is in force they may in accordance with section 31 of the Act take emergency remedial action by giving notice in accordance with Schedule 3 of the Act.
12. And whereas the expenses of such works may be recovered in accordance with paragraphs (6) to (14) of Schedule 3 to the Act and such expense plus interest thereon from when the demand becomes operative shall, until be recovered be a charge on the premises and all estates and interest in them and gives a local housing authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise, as if they were mortgages by deed having power of sale or lease, of accepting surrenders of leases and of appointing a receiver.
13. And whereas such charge is by virtue of Section (1)(1)(a) of the Local Land Charges Act 1975 registerable as a Local Land Charge
14. And whereas, under section 7 of the Local Land Charges Act 1925, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925 but without prejudice to the priority of the charge.
15. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed should have inter alia the power of sale of the property so mortgaged.
16. And whereas pursuant to a Notice dated 05 November 2021 the Borough Council gave Notice to the owner or owners of the property known as Ground Floor Flat, 20 Bute Avenue Blackpool ("the premises") by serving the Notice in accordance with Schedule 3 of the Act by
  1. Addressing the Notice to Casey Geom William Harwood and sending it in a pre-paid letter addressed to that person at \_\_\_\_\_ being the usual or last known residence of that person
17. And whereas there being no appeal served upon the Borough Council within the period prescribed by Paragraph 11 of Schedule 3 of the Act, the Borough Council executed the said works on the 15 November 2021 at a cost to the Borough Council of £2135.20.

18. And whereas on the 26 November 2021 the Borough Council registered the cost of the works in Part 11 of Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises, such charge attracting interest at such a rate from time to time applying.

19. And whereas the said monies continue to remain outstanding.

**BLACKPOOL BOROUGH COUNCIL** being now desirous of exercising their aforementioned power of sale over the premises to recover the costs they have incurred in relation thereto.

### **HEREBY RESOLVES**

1(i) To make application to the District Land Registry for Lancashire under the Land Registration Act 1935 to register their charge against all titles subsisting in the premises

1(ii) To claim, affirm and avow in said application the binding nature of the Borough Council's charge on all estates and interests in the premises and the priority of the Borough Council's charge over all existing and future charges affecting each and every title in the premises (whether or not they be registered), such claims, affirmations and avowels being supported by the decisions in Bristol Corporation –v- Virgin [1928] 2.K.B.622 and Paddington Borough Council –v- Finucane [1928] Ch567.

1(iii) to affix the Borough Council seal hereto.

### **HEREBY CERTIFIES TO HM LAND REGISTRY**

2(i) As recited in paragraph 4 of this resolution, the Act contains provisions conferring a charge on the premises and on all estates and interests therein.

2(ii) As further recited in paragraph 4 of this resolution, the Act confers on the Borough Council all the powers and remedies under the Law of Property Act 1925 and otherwise as if it is a mortgage by deed.

2(iii) The Borough Council has followed the procedure in the Act as to service of Notices and the carrying out of the works.

2(iv) The charge(s) for which an application for registration is made pursuant to 1(i) above affect(s) the whole of the property known as Ground Floor Flat, 20 Bute Avenue Blackpool FY1 2HR and registered under title number **LAN75841**.

2(v) As recited in paragraphs 10 and 13 of this resolution, the charge(s) for which an application for registration is made pursuant to 1(i) hereof was/were registered in Part 2 of Blackpool Borough Council Register of Local Land Charges on the 2 July 2021 and the 26 November 2021

Dated:

The COMMON SEAL of the  
BLACKPOOL BOROUGH COUNCIL  
was hereunto affixed in  
pursuance of an Order of  
the Council of the said Borough

Authorised Signatory

Resolution: Housing Act 2004

Property: **First Floor Flat, 20 Bute Avenue Blackpool FY1 2HR**

BLACKPOOL BOROUGH COUNCIL

1. Whereas Blackpool Borough Council (“the Borough Council”) is a ‘local housing authority’ within the meaning of Section 261 Housing act 2004 (“the Act”).
2. And where a local housing authority is satisfied that a category 1 hazard exists on any residential premises, the local housing authority must take the appropriate enforcement action in relation to the hazard as detailed in section 5(2) to the Act.
3. And whereas a Notice under Section 11 of the Act is to be served in accordance with Schedule 1 of the Act.
4. And whereas the local housing authority may, by Virtue of Subsection (1) of Section 49 of the Act make reasonable charge for the service of a notice under section 11 of the Act, and that charge may, by virtue of Subsection (2) of Section 50 of the Act be recovered from any person on whom a copy of the order is served. By virtue of Section 50 of the Act, from the time when the demand becomes operative, the sum recoverable by the local housing authority is, until recovered, a charge upon the premises and gives a local authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed.
5. And whereas such charge is by virtue of Section 1(1)(a) of the Local Land Charges Act 1975, registerable as a Local Land Charge.
6. And whereas, under Section 7 of the Local Land Charges Act 1975, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925, but without prejudice to the priority of the charge.
7. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed shall have inter alia the power of sale of the property so mortgaged.
8. And whereas pursuant to a notice dated 26 May 2021 the Borough Council gave Notice to the owner or owners of the property known as First Floor Flat, 20 Bute Avenue Blackpool FY1 2HR (“the premises”) under Section 11 of the Act by serving the Notice in accordance with Schedule 1 of the Act by –
  1. Addressing the Notice to Mr Casey Geom William Harwood and sending it in a pre-paid letter addressed to that person at \_\_\_\_\_ being the usual or last known residence of that person

9. And whereas the demand for payment was sent to the owner on 26 May 2021, there being no appeal served upon the Borough Council within the period prescribed by Section 50(6) of the Act, the demand for payment in the sum of £430.00, the demand for payment became operative 21 days after service of the demand.
10. And whereas on the 2 July 2021 the Borough Council registered the cost of the works in Part 11 of Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises.
11. And whereas the local housing authority are satisfied that a category 1 hazard exists on any residential premises and they are further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any of the occupiers of those or any other residential premises and no management order is in force they may in accordance with section 31 of the Act take emergency remedial action by giving notice in accordance with Schedule 3 of the Act.
12. And whereas the expenses of such works may be recovered in accordance with paragraphs (6) to (14) of Schedule 3 to the Act and such expense plus interest thereon from when the demand becomes operative shall, until be recovered be a charge on the premises and all estates and interest in them and gives a local housing authority for the purposes of enforcing such a charge, all the powers and remedies under the Law of Property Act 1925 and otherwise, as if they were mortgages by deed having power of sale or lease, of accepting surrenders of leases and of appointing a receiver.
13. And whereas such charge is by virtue of Section (1)(1)(a) of the Local Land Charges Act 1975 registerable as a Local Land Charge
14. And whereas, under section 7 of the Local Land Charges Act 1925, a local land charge falling within the aforementioned Section 1(1)(a) takes effect as if it had been created by deed of charge, by way of legal mortgage within the meaning of the Law of Property Act 1925 but without prejudice to the priority of the charge.
15. And whereas Section 101 of the Law of Property Act 1925 provides that a mortgage by deed should have inter alia the power of sale of the property so mortgaged.
16. And whereas pursuant to a Notice dated 05 November 2021 the Borough Council gave Notice to the owner or owners of the property known as First Floor Flat, 20 Bute Avenue Blackpool ("the premises") under Section 41 of the Act by serving the Notice in accordance with Schedule 3 of the Act by –
  1. Addressing the Notice to Casey Geom William Harwood and sending it in a pre-paid letter addressed to that person at \_\_\_\_\_ being the usual or last known residence of that person
17. And whereas there being no appeal served upon the Borough Council within the period prescribed by Paragraph 11 of Schedule 3 of the Act, the Borough Council executed the said works on the 15 November 2021 at a cost to the Borough Council of £2610.00.

18. And whereas on the 26 November 2021 the Borough Council registered the cost of the works in Blackpool Borough Council's Local Land Charges Register as a specific financial charge against the premises, such charge attracting interest at such a rate from time to time applying.

19. And whereas the said monies continue to remain outstanding.

**BLACKPOOL BOROUGH COUNCIL** being now desirous of exercising their aforementioned power of sale over the premises to recover the costs they have incurred in relation thereto.

### **HEREBY RESOLVES**

1(i) To make application to the District Land Registry for Lancashire under the Land Registration Act 1935 to register their charge against all titles subsisting in the premises

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1(iii) to affix the Borough Council seal hereto.

### **HEREBY CERTIFIES TO HM LAND REGISTRY**

2(i) As recited in paragraph 4 of this resolution, the Act contains provisions conferring a charge on the premises and on all estates and interests therein.

2(ii) As further recited in paragraph 4 of this resolution, the Act confers on the Borough Council all the powers and remedies under the Law of Property Act 1925 and otherwise as if it is a mortgage by deed.

2(iii) The Borough Council has followed the procedure in the Act as to service of Notices and the carrying out of the works.

2(iv) The charge(s) for which an application for registration is made pursuant to 1(i) above affect(s) the whole of the property known as First Floor Flat, 20 Bute Avenue Blackpool FY1 2HR and registered under title number **LAN75854**.

2(v) As recited in paragraphs 10 and 13 of this resolution, the charge(s) for which an application for registration is made pursuant to 1(i) hereof was/were registered in Part 2 of Blackpool Borough Council Register of Local Land Charges on the 2 July 2021 and the 26 November 2021

Dated:

The COMMON SEAL of the  
BLACKPOOL BOROUGH COUNCIL  
was hereunto affixed in  
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