

AGENDA ITEM 11

DUDLEY METROPOLITAN BOROUGH

STOURBRIDGE AREA COMMITTEE

20TH JUNE 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

1. PURPOSE

- 1.1 To bring to the Committee's attention requests relating to land and property controlled by the Council and to seek the Committee's recommendations on those requests.

2. BACKGROUND

- 2.1 The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various departments.
- 2.2 Requests are received from the public on a regular basis for property related matters such as purchases, leases, licences, easements and access agreements. Those requests are dealt with by the Directorate Law and Property who carry out a consultation process with the Council's relevant departments before preparing a report for Committee to consider.
- 2.3 Reports for this Committee are attached as appendices and the proposal resulting from the consultation on each particular request is set out at the end of each appendix. A plan is provided where required.

3. PROPOSAL

- 3.1 The proposal is set out at the end of each report in the appendices.

4. FINANCE

- 4.1 In general terms, easement and access agreements each generate a capital receipt for the Council. The sale of the land generates a capital receipt for the Council, the size of which would depend on a valuation placed on the site by the Director of Law and Property and the price finally agreed between the parties.

5. LAW

- 5.1 Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.
- 5.2 Section 123(2A) of the Local Government Act, 1972 requires the Council prior to any disposal of open space to advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situate and to consider any objections which may be made.
- 5.3 The various statutory undertakers will have statutory powers to install equipment in Council owned land, but they do apply to the Council for a formal agreement, such as an easement, on a regular basis.
- 5.4 Section 32 and 34 of the Housing Act, 1985 and the General Consents for the disposal of Houses and Land, 1999, enable the Council to let and dispose of land and buildings held for housing purposes at the best price reasonably obtainable.
- 5.5 Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply provision to any land it sells restricting its future use, provided the relevant section of the Act are specifically referred to in the transfer document and are registered as a local land charge.
- 5.6 Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

6. EQUAL OPPORTUNITIES

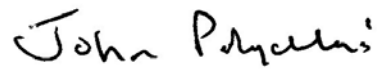
- 6.1 The proposals take into account the Council's equal opportunities policies.

7. RECOMMENDATION

- 7.1 That the proposals contained in each of the attached appendices be approved.

8. BACKGROUND PAPERS

8.1 See individual appendices.

A handwritten signature in black ink, appearing to read "John Pryor". The signature is written in a cursive, slightly slanted style.

DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Gill Hudson, Property Manager, Ext. 5311

Sonia McLean, Property Manager, Ext. 5321

Alan Nugent, Property Manager, Ext. 5351

APPENDICES - C

STOURBRIDGE AREA COMMITTEE

DATE: 20TH JUNE 2005

REQUEST FOR: TRANSFER OF TITLE

LOCATION: LAND REAR OF 134 GRANGE LANE, STOURBRIDGE

(As shown on the plan attached)

BACKGROUND

An application has been received from the son of the owner of 134 Grange Lane, Stourbridge, to transfer title of an area of land to the rear of the property that has been in his father's sole possession since 1976.

The land was rented to his parents by the Stourbridge District Council for use as an allotment garden from 1968. The area of land is hatched on the attached plan.

We can find no record of when 134 Grange Lane was sold by Stourbridge District Council. However the property is unregistered with the Land Registry, which would suggest that it was sold before the late 1960's, which was when the first compulsory registrations started in the Stourbridge area.

The land at the rear of the property is held for housing purposes and was used by the tenant as his own private allotment. The land is landlocked apart from access from the garden of 134 Grange Lane. The applicant's father has now passed away and the applicant is assisting his mother in regularising the estate.

Following the reorganisation of Local Government which amalgamated the District Councils into Dudley Borough, demands for the rent ceased. The applicant's father investigated and was subsequently told by way of a letter from the Councils District Housing Manager dated 5 the August 1976, that the land was now considered part of his garden and that it was no longer necessary for him to pay the annual rental for the land. The Council has a copy of this letter.

The applicant's parents have therefore continuously and exclusively cultivated this land as if it were their own without charge since 1976.

The applicant states that having taken due advice he was recommended to request that the Council now formally transfer title to the plot of land to the father's estate or preferably direct to the applicant's mother, and she would be willing to meet reasonable legal costs associated with the transfer.

COMMENTS

The relevant Council Directorates have been consulted regarding this matter and the Directorate of Law and Property have advised that the Councils Archives have been consulted and no reference to this land is in existence.

The land was registered to the Council at the time it was considering stock transfer, when all of the Housing land within this estate not sold under the right to buy was registered.

However, the existence of the letter from the Council's District Housing Manager "giving" the land to the applicants father, and the lack of any other evidence in the Council's favour would suggest that we could not defend a claim for the land.

It is therefore considered that the transfer of land to the applicant, with the applicant paying all costs associated with the transfer, be the best course of action.

The Directorate of Housing consider we have already given the land away in 1976 and that the application to transfer title should be approved to regularise the situation.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to approve the transfer of the land on terms and conditions to be negotiated and agreed by the Director of Law & Property

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311

APPENDICES - B

STOURBRIDGE AREA COMMITTEE

DATE: 20TH JUNE 2005

REQUEST FOR: PURCHASE LAND

LOCATION: 37 FARNDALE CLOSE, AMBLECOTE, STOURBRIDGE
(As shown on the plan attached)

BACKGROUND

A request has been received from Mr Chase of 37 Farndale Close, Amblecote to purchase a small piece of Council owned land, as shown hatched red on the plan attached. The land is required for an extension to his property. The land is part of public open space.

In May 1996 a request was put forward by Mr Chase to purchase a larger area of the same land. A report was submitted to the Leisure and Development Committee in September 1996 with the recommendation that the application should be refused as the land should remain as public open space.

The land is under the control of the Directorate of the Urban Environment.

COMMENTS

All of the relevant Directorates have been consulted, and no objections to the sale of the land have been received from the Directorate of the Urban Environment (Highways Section) for gardening/development purposes only. However, any extension to the dwelling will require planning permission. Additionally, Directorate of the Urban Environment's Parks Management object to the sale of the land on the grounds that it would be a loss of public open space and could set a precedent for other applications in the future.

The Directorate of Law and Property state that no building should be erected on the land. Furthermore, the land is subject to a wayleave agreement between Tarmac Homes Midlands Limited and Midlands Electricity Board giving them rights to erect, lay and use electric lines either overhead or underground together with poles, pipes and other apparatus.

The site has been visited by Ward Members who support the application.

Under the revised arrangements for land disposals applications for the disposal of open space where the recommendation is for approval have to be reported to the Area Committee.

PROPOSAL

That the Area Committee consider the application and make a recommendation to the Cabinet Member for Leisure regarding the land's disposal.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321

APPENDICES - A

STOURBRIDGE AREA COMMITTEE

DATE: 20TH JUNE 2005

REQUEST FOR: GRANT LICENCES

**LOCATION: WOLLESCOTE HALL, WOLLESCOTE ROAD,
STOURBRIDGE**

(As shown on the plan attached)

BACKGROUND

A petition was received at Stourbridge Area Committee on 16th November 2004 from the Black Country Bowls Club and Crystal Bowls Club. They share use of the greens at Wollescote Park and have requested the right to use the kitchen and other rooms in the Hall currently used by the Sons of Rest.

After some debate an agreement have been achieved with the Sons of Rest for the Clubs to use the facilities on Thursdays and Saturdays from 2.00 pm till 6.00 pm from April to September (inclusive). The Black Country and Crystal Bowls Clubs will be responsible for the security of the premises, keeping the premises clean and tidy and providing their own crockery and refreshments.

In order to achieve approval this matter now needs to be referred to the Stourbridge Area Committee to grant a licence to the Black Country and Crystal Bowls Clubs on the terms above and to authorise the Directorate of Law and Property to enter into the licence.

The Lye & Wollescote Sons of Rest will also need a licence to be put in place to cover their occupation also.

Wollescote Hall is under the control of the Directorate of Social Services.

COMMENTS

All of the relevant Directorates have been consulted and no objections have been received as long as the building is left secured at all times. However, the Directorate of Social Services does have some concerns regarding the granting of the licences.

Whilst there is less concern regarding the Thursday usage, as Social Services staff are on site until the security guard arrives in the evening at 5.00 pm, the use on Saturdays is a major concern.

When the Sons of Rest is in use, it enables access to the first and second floors of Wollescote Hall, which are used by Social Services staff, by anyone who chooses to wander through. At present there are two alarm systems and therefore if anyone went upstairs they would activate the Social Services alarm which, at the least, would incur a call out charge for the Directorate. There are Digilock systems to stop intruders entering the majority of the Social Services area, but at present the photocopier/shredder/franking room does not have a Digilock so could therefore be accessed.

Normal custom and practice is that the outside door of the Sons of Rest is opened with a key which then allows them to deactivate the alarm for their part of the building. In the warm summer afternoons the door is often left open or wedged open to allow all of the bowling club members access to the toilets/kitchen. This would mean that the door would give access to anyone to enter the building.

In order to overcome these security issues the licence to the Clubs will make them directly responsible for the security of the building whilst they are in temporary possession of it.

PROPOSAL

That the application to grant licences to the Black Country Bowls Club and Crystal Bowls Club and the Lye & Wollescote Sons of Rest be approved on terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321