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**Brierley Hill Area Committee – 19<sup>th</sup> January 2006**

**Report of the Director of Law and Property**

**Applications in respect of land and property owned by the Council**

**Purpose of Report**

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.

**Background**

2. The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various Directorates.
3. 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 Directorates before preparing a report for Committee to consider.
4. 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.

**Finance**

5. In general terms leases, easement and access agreements each generate an income for the Council. The sale of the land generates a capital receipt of 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.

**Law**

6. Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.

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.

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.

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.

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.

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

### **Equality Impact**

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

### **Recommendation**

8. It is recommended that proposals contained in each of the attached appendices be approved.

*John Polychronakis*

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**John Polychronakis**  
**Director of Law and Property**

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### **List of Background Papers**

See individual appendices

## **Appendices**

### **Brierley Hill Area Committee**

**19<sup>th</sup> January 2006**

### **Report of the Director of Law and Property**

### **Request For Disposal of 95 Adelaide Street, Brierley Hill**

#### **Background**

A report regarding this matter was deferred from the meeting of this committee on 27<sup>th</sup> October 2005 for a members site visit to be held.

The site visit was held on 5<sup>th</sup> December 2005 and was attended by Councillor Rachel Harris, Councillor Graham Debney and Councillor Peter Miller. The District Housing Repairs Manager also attended to advise.

After inspecting both properties, the Members were in agreement that the properties should be declared surplus to requirements and sold on the open market on terms and conditions to be negotiated and agreed by the Director of Law and Property,

To reiterate, 95 Adelaide Street, Brierley Hill was purchased in March 1968, under the Housing Act 1957 Part 5, for housing purposes. The property is a two bed roomed end terraced house which has been let through the Housing waiting list for many years but is now empty.

A recent inspection has identified that the property is in need of modernisation and also has structural problems. In order to relet the property and to achieve the basic Decent Homes Standard, the property will require between £35-40,000 worth of repairs. It is therefore uneconomic to relet.

The Directorate of Housing's Area Panel has recommended that the property is declared surplus to requirements and suggests that it may be sold at auction.

#### **Comments**

The relevant Council directorates have been consulted regarding this matter and no objections have been received to the disposal of the property.

The Current policy regarding disposal of residential properties is that once the property has been declared surplus to requirements, The Director of Law and Property will instruct an appointed outside agent to advertise the property for sale on the open market. The disposal of the property will therefore be dealt with in this manner.

#### **Proposal**

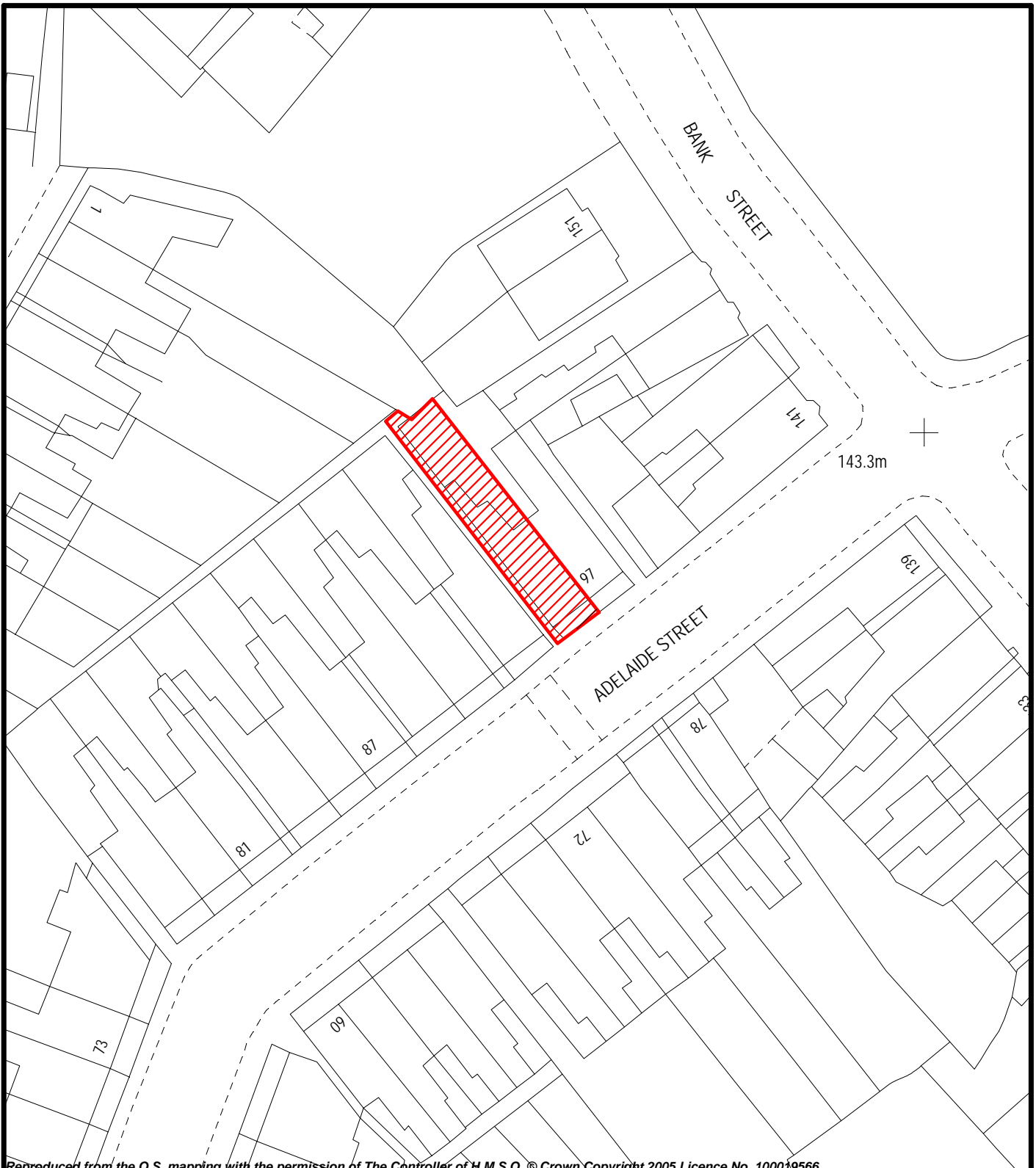
That the Area Committee advise the Cabinet Member for Housing to declare 95 Adelaide Street, Brierley Hill surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background Papers**

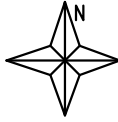

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext 5311



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<p>TITLE:</p> <p><b>95 ADELAIDE STREET</b></p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p> 
<p>CREATED BY:</p>		

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**Brierley Hill Area Committee**

**19<sup>th</sup> January 2006**

**Report of the Director of Law and Property**

**Request For Disposal of 15 William Street, Brierley Hill**

**Background**

A report regarding this matter was deferred from the meeting of this committee on 27<sup>th</sup> October 2005 for a members site visit to be held.

The site visit was held on 5<sup>th</sup> December 2005 and was attended by Councillor Rachel Harris, Councillor Graham Debney and Councillor Peter Miller. The District Housing Repairs Manager also attended to advise.

After inspecting both properties, the Members were in agreement that the properties should be declared surplus to requirements and sold on the open market on terms and conditions to be negotiated and agreed by the Director of Law and Property,

To reiterate, 15 William Street, Brierley Hill was purchased under Part 5 of the Housing Act 1957, in October 1972 and is held for housing purposes. The property is a two bed roomed end terraced house with downstairs bathroom at the rear of the kitchen and has been let through the Housing waiting list for many years.

The property has now become vacant and a recent inspection has identified that the property is in need of modernisation and also has structural problems. In order to relet the property and to achieve the basic Decent Homes Standard, the property will require between £45-50,000 worth of repairs. It is therefore uneconomic to relet.

There are no similar properties owned by the Council adjacent and the Brierley Hill Area Panel have agreed that the property is surplus to the Directorate's requirements and have asked that it be disposed of. They have suggested that the property could be put for auction.

**Comments**

The relevant Council Directorates have been consulted regarding this matter and no objections have been received to the disposal with the proposal.

The Current policy regarding disposal of residential properties is that once the property has been declared surplus to requirements, The Director of Law and Property will instruct an appointed outside agent to advertise the property for sale on the open market. The disposal of the property will therefore be dealt with in this manner.

**Proposal**

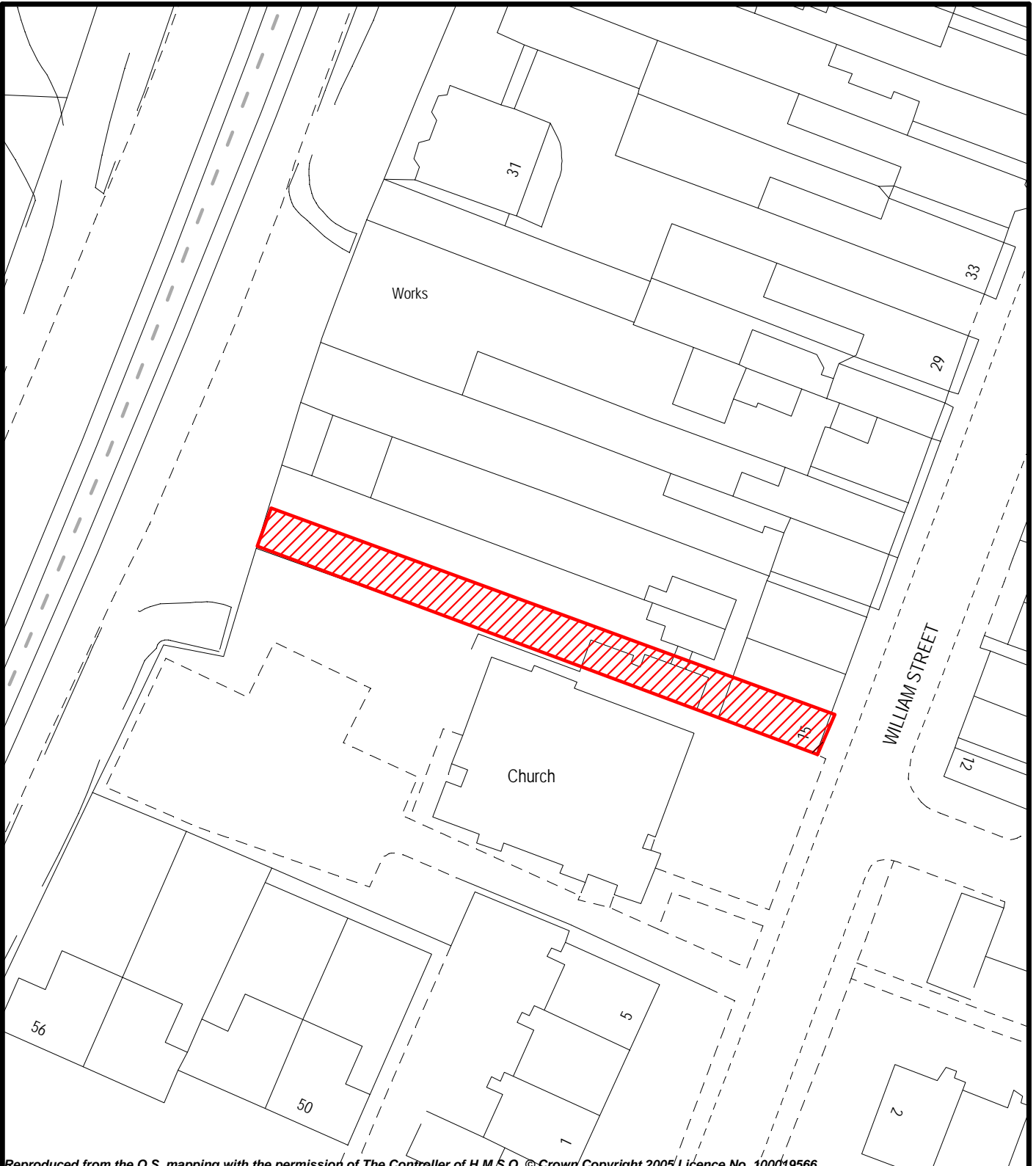
That the Area Committee recommend that the Cabinet Member for Housing declare 15 William Street, Brierley Hill surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background Papers**

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

Contact Officer:

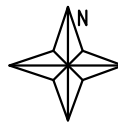
Gill Hudson, Property Manager, Ext 5311



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TITLE:

DISPOSAL OF 15 WILLIAM STREET  
BRIERLEY HILL



SCALE:

1 : 500

DATE:

05-AUG-2005

Corporate Estate Services  
Directorate of Law and Property  
3 St James's Road  
DUDLEY  
West Midlands  
DY1 1HZ

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## **Appendices**

### **Brierley Hill Area Committee**

**19<sup>th</sup> January 2006**

### **Report of the Director of Law and Property**

### **Request to appropriate Housing Land at Blaze Park, Kingswinford for the purpose of The Allotments Act 1925**

#### **Background**

A request has been received from the Blaze Park Allotment Association to appropriate land from Housing purposes to the purposes of the Allotments Act 1925. They wish to incorporate the land at the rear of 48 and 50 Forge Lane within the Blaze Park Allotment site. This small area of land is causing problems for the allotment holders due to fly tipping. It was originally part of a footpath from the allotment site to Forge Lane and Blaze Park.

The land is currently under the control of the Directorate of Adult, Community and Housing Services.

#### **Comments**

The relevant Council directorates have been consulted regarding this matter.

The Directorate of the Urban Environment fully supports the proposal.

#### **Proposal**

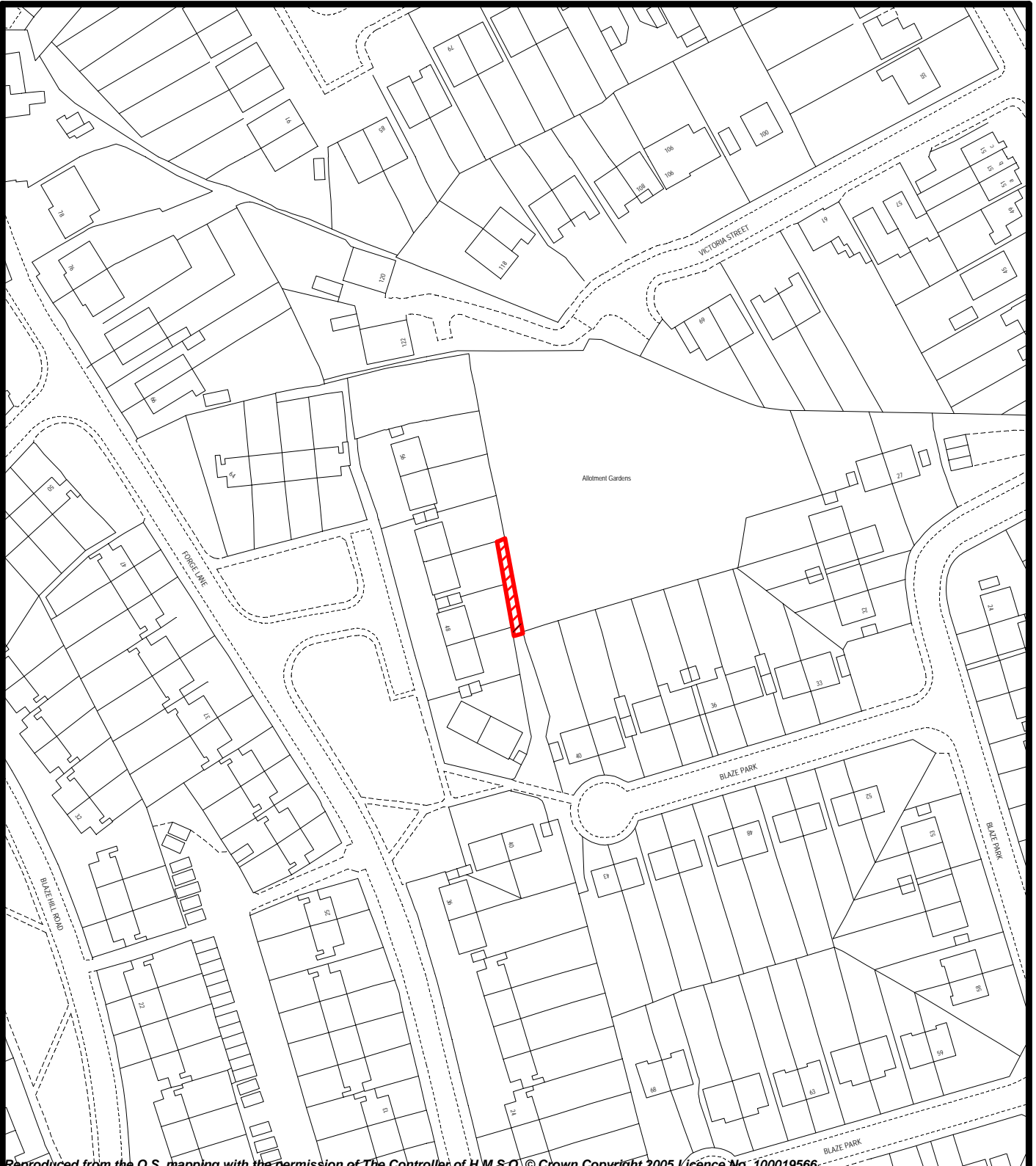
That the Brierley Hill Area Committee advise the Cabinet Member for Housing to approve the appropriation of the land from Housing purposes to the purposes of the Allotments Act 1925.

#### **Background papers**

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

Contact Officer:

Alan Nugent, Property Manager, Ext. 5351



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TITLE:

**BLAZE PARK ALLOTMENTS  
BLAZE PARK/FORGE LANE  
KINGSWINFORD**



SCALE:

**1 : 1250**

DATE:

**07-NOV-2005**

Corporate Estate Services  
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

**ALAN NUGENT, PROPERTY MANAGER, EXT 5351**



## Appendices

### Brierley Hill Area Committee

19<sup>th</sup> January 2006

#### Request for: Application to Purchase Council owned land

#### Location: Rear of 119 High Street, Wordsley

(As shown on the plan attached)

#### Background

A request has been received from Wide Range Tiles Limited in Wordsley to purchase the Council owned land as shown hatched black on the plan attached. The applicant wishes to purchase this land in order that they can tarmac the two areas either side of the gate and use them as parking spaces.

The land was acquired in March 1965 under the provisions of the Housing Act 1957, but was appropriated to the Directorate of the Urban Environment (Highways) in 1973.

#### Comments

The relevant Council directorates have been consulted regarding this matter and the Directorate of Law and Property state that the land appears to be part of the highway verge in front of the applicant's boundary wall. Furthermore, the land may also act as a visibility splay near the road junction and therefore should be retained.

The Directorate of the Urban Environment objects to the proposal and considers that the purchase of the land be refused as its disposal would prejudice any future highway improvement and be detrimental to future area development. Additionally, in conjunction with the Directorate of Law and Property's comments, the Directorate of the Urban Environment state that the land is not highway verge, but agree that it should be retained as a visibility splay.

#### Proposal

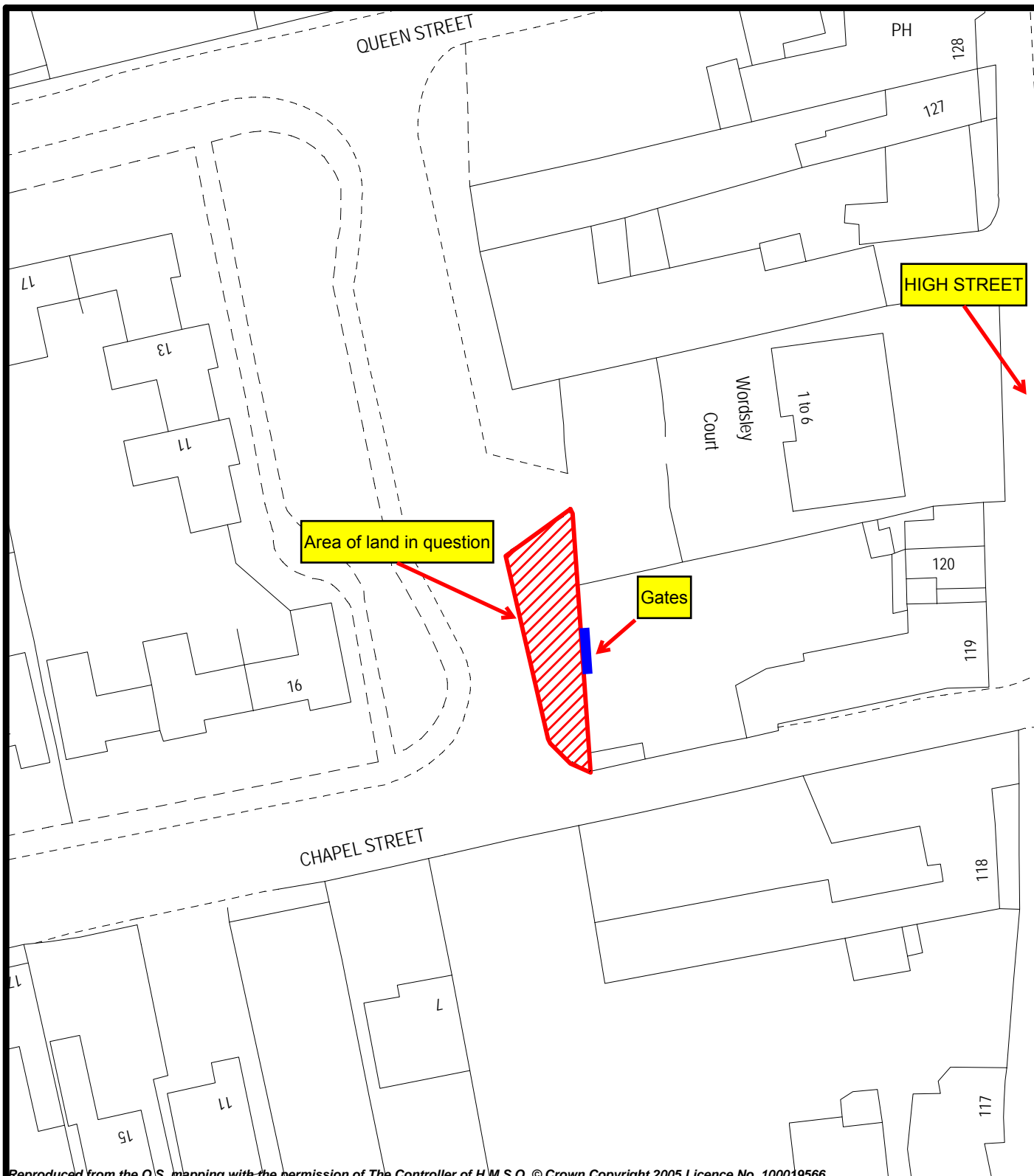
That the Brierley Hill Area Committee advise the Cabinet Member for Transportation to refuse the application to purchase land at the rear of 119 High Street, Wordsley.

#### 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



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TITLE:

Land at the rear of 119 High Street

Wordsley



SCALE:

1 : 500

DATE:

10-AUG-2005

Corporate Estate Services  
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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