

**North Dudley Area Committee – 24<sup>th</sup> September 2008**

**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

**North Dudley Area Committee**

**Date: 24th September 2008**

**Disposal of land**

**Location: Westfield Road, Sedgley**

**(As shown on the plan attached)**

**Background**

The above land as shown on the attached plan was declared surplus to requirements to be sold on the open market for warden controlled bungalows, by Decision sheet DOH/171/2004.

The land is controlled by the Directorate of Adult, Community and Housing Services and is held for Housing purposes.

North Dudley Area Committee at its meeting on the 16th September 2004 resolved to recommend that the Cabinet Member for Housing declare the land surplus to requirements to be sold on the open market for warden control bungalows on terms and conditions to be negotiated and agreed by the Director of Law and Property.

The Councils Surveyor has since contacted Registered Social Landlord's and developers who undertake warden controlled schemes, regarding the possible sale of the site for 'Warden Controlled Bungalows. However, no interest has been shown whatsoever in purchasing the site to develop it for this purpose.

The Directorate of Adult, Community and Housing Services does not know of any other developers who would provide warden controlled bungalows other than the ones that have already been contacted.

In order to be able to dispose of this site it is requested that the Cabinet Member for Housing makes a revised decision to declare the site surplus to requirements without the restriction for the site to be used for warden controlled bungalows.

## **Comments**

The relevant Council Directorates have therefore been re consulted regarding the disposal of the site and it is considered that the site should be sold on the open market without restriction.

Any future use of the site will be restricted by detailed planning consent and it is likely that bungalows will be favoured on the site or possibly a very sensitively designed 2 storey development. However, the “Warden Controlled” aspect of the current decision is not feasible.

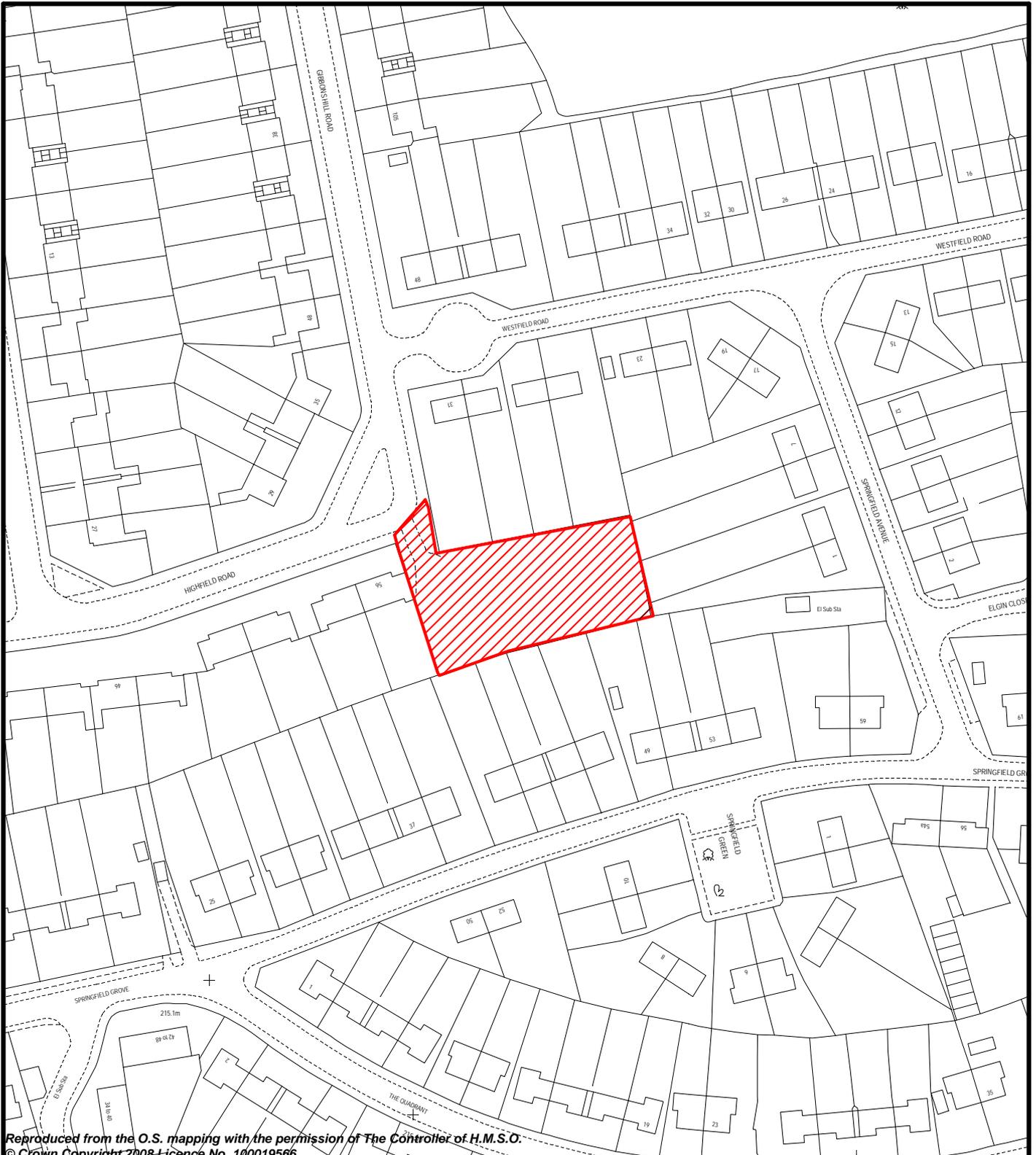
## **Proposal**

That the Area Committee advise the Cabinet Member for Housing to declare the site surplus to requirements to be sold on the open market upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background papers**

1. Decision sheet DOH/171/2004.

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<p>TITLE:</p> <p><b>land at Westfield Road Sedgley</b></p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road  <b>DUDLEY</b>          West Midlands          DY1 1HZ</p>
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