

Brierley Hill Area Committee 31st January 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.



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John Polychronakis
Director of Law and Property

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List of Background Papers

See individual appendices

Brierley Hill Area Committee:

31st January 2008

Application to purchase

Land Rear of 14 Highfield Road, Wordsley.

(As shown on the plan attached)

Background

An application has been received from the owner of 14 Highfield Road, Wordsley, a former Council house purchased under the right to buy, to purchase an area of land to the rear of the property, as marked on the attached plan.

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

The applicant wishes to purchase the land to fence off and use as an extended garden space.

The applicant states that children in the area have vandalised the existing fencing. The applicant also states that his father used to maintain this land.

In 1999 it was agreed to sell this land to the owner of 6 Field Close, Brierley Hill for garden land, but the applicant decided not to proceed with the sale.

Comments

The relevant Council Directorates have been consulted and no objections have been received, providing the land is used for garden purposes only.

It is therefore considered that the site should be declared surplus to requirements and offered for sale as garden land only to adjoining owners, to ensure that the Council get the best price reasonably obtainable for disposals of land.

Proposal

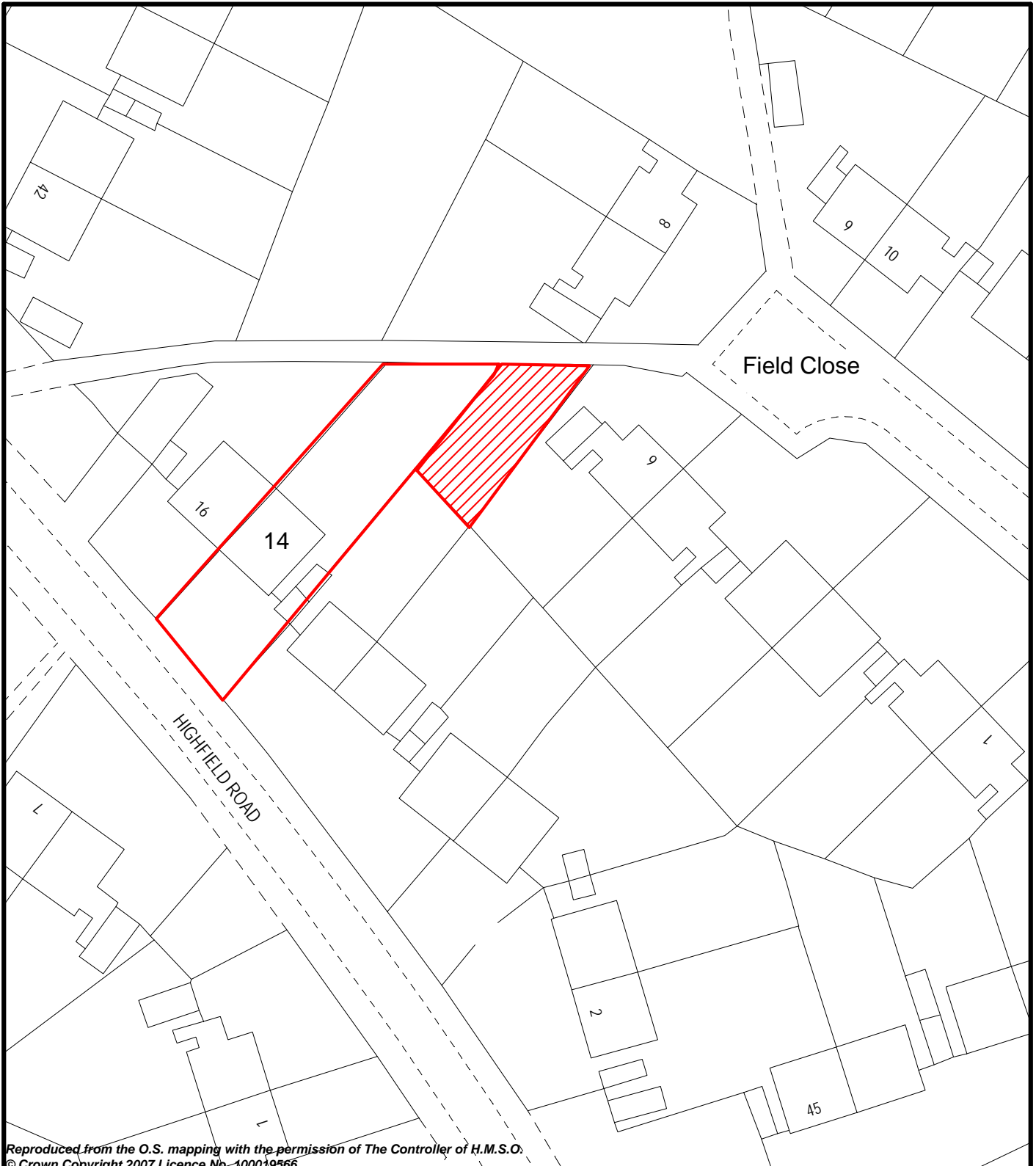
That the Area Committee advises the Cabinet member for Housing to declare the land surplus to requirements to be offered to adjoining owners for garden purposes only, upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext.7068



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TITLE:
**Land adjacent to 14 Highfield Road
 Wordsley**

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CREATED BY: **Gill Hudson, Property Manager. Ext:5311**

SCALE:
1 : 500
 DATE:
28-JUN-2007

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

Brierley Hill Area Committee

Date: 31st January 2008

Disposal of Surplus land

Location: Commonsides, Pensnett

(As shown on the plan attached)

Background

Under the Housing for the 21st Century agenda, 18 local housing offices were closed to allow for development and improvement of housing services. There now remain 6 local housing offices, being Shell Corner, Quarry Bank, Pensnett, Wrens Nest, Netherton and Chapel Street.

With the exception of Chapel Street, which is recognised as needing an on site presence and Wrens Nest, where Officers involved in the North Priory Regeneration are temporarily working from, the primary function of the remaining offices is cash collection.

It has therefore been decided that in order to fund other initiatives such as the garden initiative and to enable the delivery of priorities, savings must be found. The Directorate of Adult, Community and Housing Services (DACHS) have therefore decided to close further estate offices in the Borough and this report is regarding declaring the site of the Pensnett office surplus to requirements.

The decision to close this office has already been made and it is envisaged that the office will close in the new year and be completely vacated by the end of the financial year.

The office is sited on the corner of Commonsides and Berbeck Place and is a rectangular site adjacent to Mullet Park.

Comments

The relevant Council Directorates have been consulted regarding the future use of the site and no operational use has been identified and no objections have been received to the disposal of the site.

Proposal

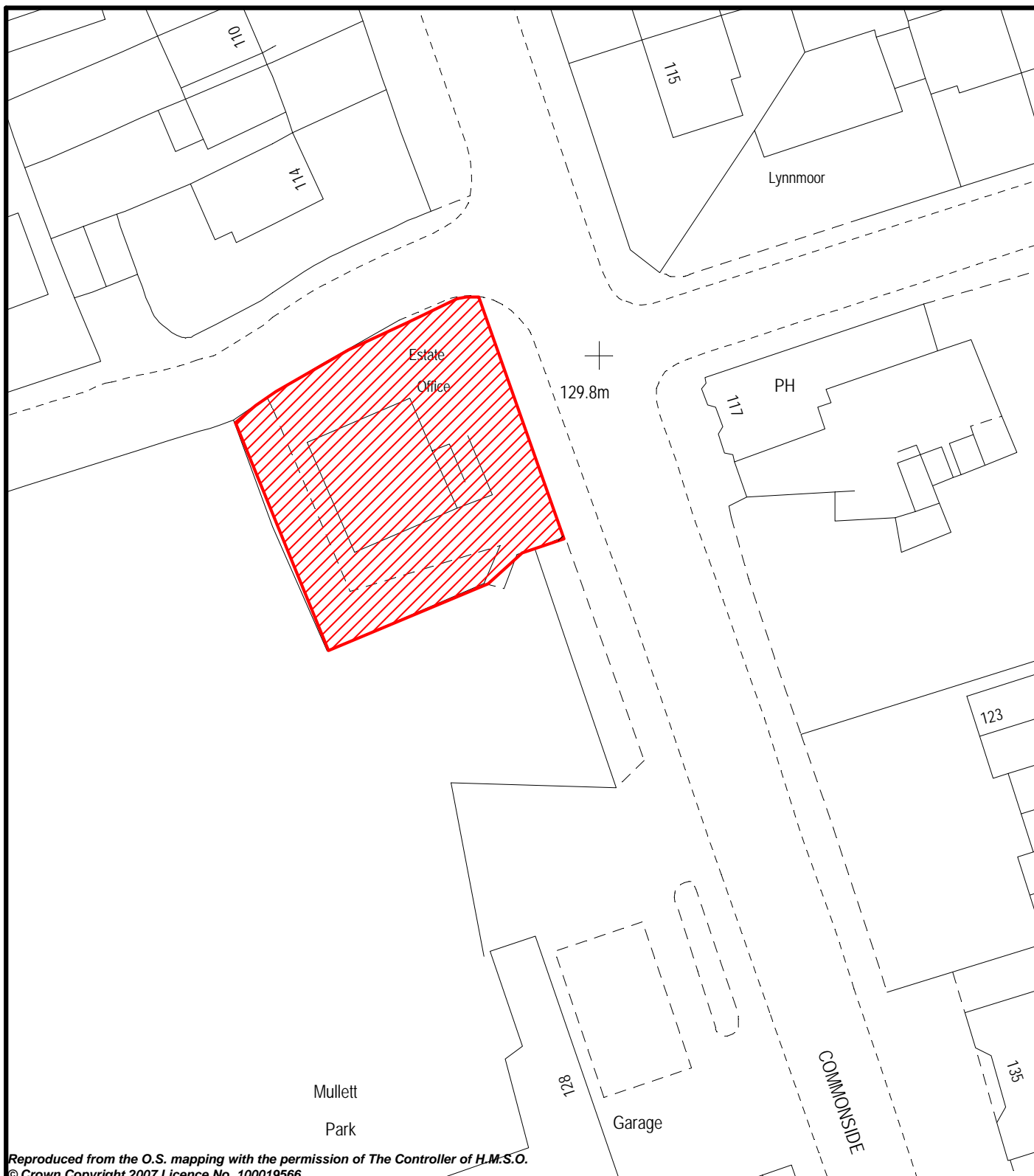
That the Area Committee advise the Cabinet Member for Housing to declare the site of the Pensnett estate offices surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext.7068



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TITLE:

**Site of Pensentt Estate Office
 Commonsides
 Pensnett**



SCALE:
 1 : 500

DATE:
 02-NOV-2007

Corporate Estate Services
 Directorate of Law and Property
 3 St James's Road
 DUDLEY
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