

Meeting of:	Cabinet
Date of Meeting:	Monday, 07 September 2020
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Disposal of a Small Parcel of Housing owned land at Ceri Avenue, Rhoose
Purpose of Report:	To seek Cabinet approval to dispose of a small parcel of non-operational housing land suitable for use incidental to the enjoyment of an adjacent dwelling house only (as identified at Appendix 1)
Report Owner:	Cabinet Member for Housing and Building Services
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	Carys Lord, Head of Finance; Committee Reports; Legal Services; Mike Ingram, Head of Housing; Pam Toms, Operational Manager, Housing
Policy Framework:	This report is consistent with the Policy Framework and Budget and is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Council owns small parcels of land, which border existing, privately owned properties, that are not suitable for development but are a continuing financial burden on the Council due to their ongoing maintenance and security costs. • The Council has received an enquiry to acquire one of these small areas of land which is held for the purposes of Part II of the Housing Act 1985 and is currently managed by, or under the control of, the Housing Department. The Council can dispose of such land if it is no longer required for its operational purpose. • Permission is therefore sought to dispose of this non-operational Housing owned land identified in Appendix 1 as surplus to Council requirements, to be used as additional garden space or a parking space by purchasers. 	

Recommendations

1. That Cabinet declares the parcel of Housing land in Ceri Avenue, Rhoose (shown at Appendix 1) as surplus to Council requirements.
2. That delegated authority be granted to the Director of Environment and Housing Services, and in consultation with the Cabinet Member for Housing and Building Services, and Head of Finance to dispose of the parcel of land by the most appropriate means and on terms and conditions to be agreed.
3. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation in order to formalise the disposal in accordance with Consent E 4.1 of the General Comments for the Disposal of Houses and Land 1994, where the land has been declared surplus to requirement.

Reasons for Recommendations

1. To comply with the Council's Constitution
2. To ensure that the Council obtains best consideration for the land in accordance with its statutory and fiduciary obligations.
3. To legally formalise the disposal of the land and to ensure compliance with statute.

1. Background

- 1.1 The Council owns small parcels of land (which border existing, privately owned properties) that are not suitable for development and are a continuing financial burden on the Council due to their ongoing maintenance and security costs. In many cases these properties were previously Council owned and have now been purchased by the previous or current owners under the Right to Buy Scheme.
- 1.2 In 2011 the Council balloted Council tenants to determine whether tenants wanted their properties transferred to a Housing Association or retained as Council properties. In advance of the ballot several Housing Stock Option Appraisals were undertaken and requests to purchase Housing owned land were delayed until the process was concluded. Following the results of the ballot the Council Housing team sought and received permission to undertake an Options Appraisal for Housing Owned land. [Minute 745 16th January 2013 refers] - Appendix 2.
- 1.3 Cabinet subsequently considered the report on 4th February 2013, when it noted the matter [Minute C1997 4th February 2013 refers].

2. Key Issues for Consideration

- 2.1** The Council has received an enquiry to acquire a small piece of land in Ceri Avenue, Rhoose, which is held for the purposes of Part II of the Housing Act 1985 and is currently managed by, or under the control of, the Housing Department. The Council can dispose of such land if it is no longer required for its operational purpose.
- 2.2** The Council's Insight Board and the Council's external partners on the Public Service Board (PSB) have been consulted to ascertain if there is a use for the parcel of land within the Council or the PSB. There has been no expression of interest from any of these parties in retaining this parcel of land. In addition, consultation has been carried out with the local Ward Members who have raised no objection to the land sale. It is therefore now surplus to the Council's requirements.
- 2.3** Permission is now sought to dispose of this non-operational Housing owned land, to be used as additional garden space by the purchaser. Disposing of the land will generate a receipt for the Council and reduce ongoing maintenance costs associated with retaining it.
- 2.4** Any disposal would also be subject to the Council receiving the best consideration for the land and the purchaser paying all the Council's costs in relation to the sale and any other appropriate terms. The parcel of land where the request has been received is identified at Appendix 1.
- 2.5** It is proposed where appropriate that the Council sell its freehold interest in any area of land and place a covenant on the land to restrict the use of it to a purpose incidental to a dwelling house e.g. domestic garden purpose only or a parking space only. In the event of the Council agreeing to remove a restrictive covenant at a future date, officers will ensure that a suitable claw back provision has been included in the sale documentation to guarantee that the Council benefits from any increased land value that might result from a change of use.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

LONG TERM

- 3.1** Better use of land should be achieved by this proposal which also reduces the Council's land maintenance costs and makes more funding available in the long term for Council house repairs and development opportunities.

PREVENTION

- 3.2** By disposing of this small parcel of land to an adjoining or local householder, it will have a positive impact on crime and disorder by reducing the opportunities for vandalism and fly-tipping.

COLLABORATION

- 3.3** By working with colleagues in Property Services and Legal to sell this land it will result in the Council obtaining the best consideration.

INTEGRATION

- 3.4** The integration of public land into the community will serve to free up time spent on management of the areas.

INVOLVEMENT

- 3.5** Opportunities for members of the public to make better use of surplus land to increase their garden space or park their car. The well-being of residents involved will be enhanced as they will obtain enjoyment from the use of this otherwise unused land as a recreational or parking area.

4. Resources and Legal Considerations

Financial

- 4.1** The disposal of the land will generate a receipt for the Housing Revenue Account to be used to increase the supply of affordable housing in the Vale.
- 4.2** The timely disposal of a surplus asset should assist the Council in the reduction of its maintenance costs.
- 4.3** Agreement will be sought at the outset for the prospective purchasers to cover the cost of Agent's fees and Property and Legal officer's costs even if the sale of the land is not completed, so that there will be no financial burden on the Council.

Employment

- 4.4** There are no employment implications in respect of the sale of this piece of land.

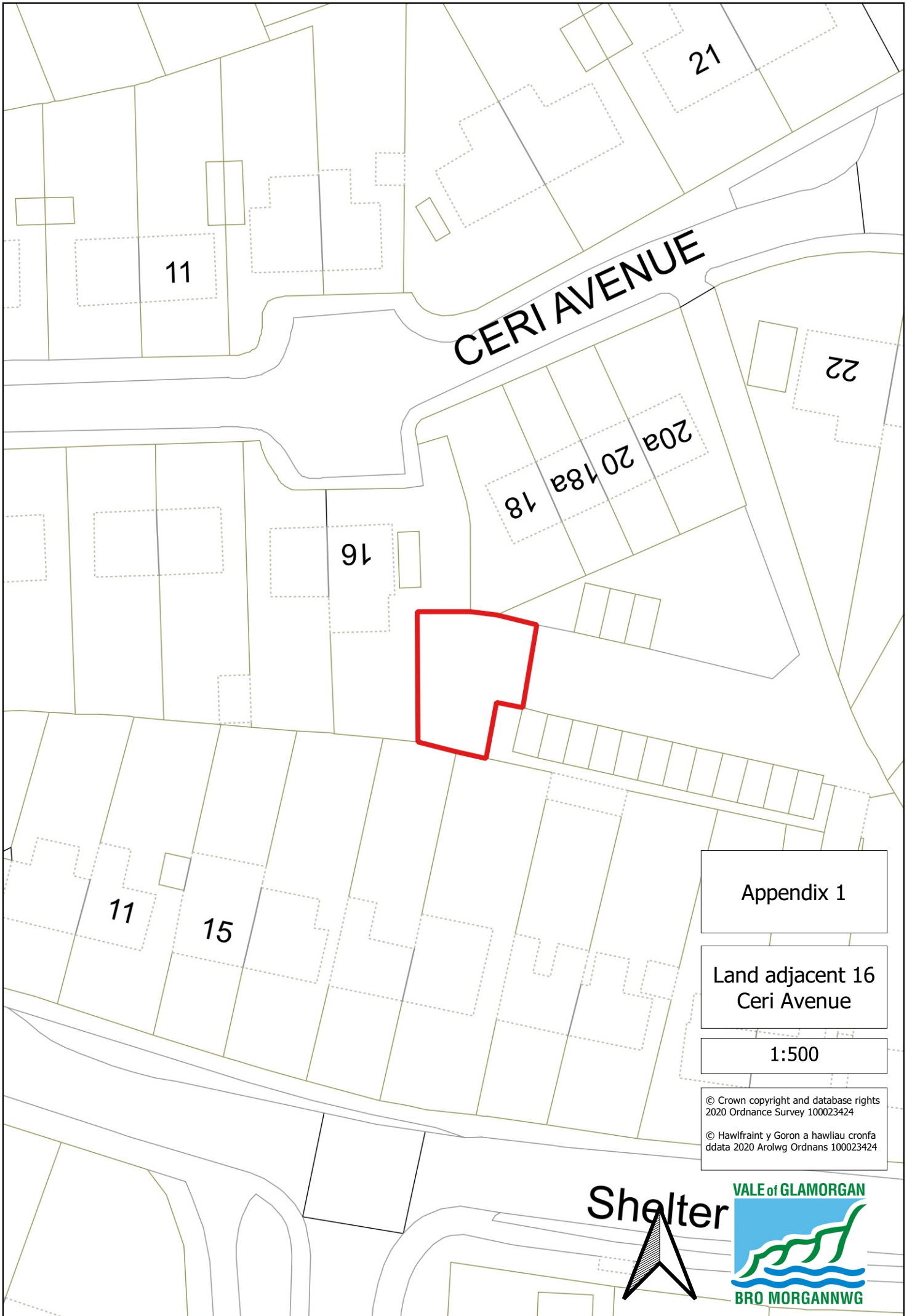
Legal (Including Equalities)

- 4.5** Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land held, that has not been developed, under Part II of the Housing Act 1985 with the Welsh Government's consent.
- 4.6** The separate consent of the Welsh Government is not required as the disposal of this area of land is covered by the "General Consents for the Disposal of Houses and Land 1994".

- 4.7** Section 33 of the Housing Act 1985 goes on to provide that the local authority may impose such covenants and conditions as they think fit, except that certain conditions specified in section 33(2) can only be imposed with the consent of the Welsh Government. As mentioned above, it is intended that a covenant will be placed on any land disposed of, restricting its use to a purpose incidental to the enjoyment of a dwelling house and where the appropriate claw back provisions will be incorporated into the sales documentation.
- 4.8** There are no equal opportunities implications arising from this report.

5. Background Papers

None



CERI AVENUE

11

21

22

20a 20 18a 18

16

11

15

Appendix 1

Land adjacent 16
Ceri Avenue

1:500

© Crown copyright and database rights
2020 Ordnance Survey 100023424

© Hawlfraint y Goron a hawliau cronfa
ddata 2020 Arolwg Ordnans 100023424

Shelter

