

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 22 November 2021</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Disposal of a Small Parcel of Housing Owned Land at Barry Road, Barry.
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 the adjacent dwelling house only (as identified at Appendix A)
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; Nick Jones, 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"> <li>• The Council owns various small parcels of land, which border or adjoin 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.</li> <li>• 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.</li> <li>• The Council can dispose of such land if it is no longer required for its operational purpose, it has been declared surplus to Council requirements and the disposal is in accordance with the General Consents for the Disposal of Houses and Land 1994 in that it will be used as additional garden space or a parking space by purchasers. Permission is therefore sought to dispose of this non-operational Housing owned land identified in Appendix A.</li> <li>• The land in question is part of an open space/amenity land. Therefore, permission is also sought to advertise the disposal of part of that land as a loss of open space.</li> </ul>	

## **Recommendations**

1. That Cabinet declares the parcel of Housing land shown at Appendix A as surplus to Council requirements.
2. That authority is given to the Head of Housing and Building Services to dispose of the land shown on the plan at Appendix A under the 32-34 of the Housing Act 1985 subject to compliance with the relevant legislative provisions, any statutory consents required and Recommendations 3-5 below.
3. That authority is delegated to the Monitoring Officer/Head of Legal and Democratic Services to give notice and advertise the proposed intention to dispose of the land shown on the plan at Appendix A in accordance with s123 (2A) of the Local Government Act 1972.
4. That, if any objections are received as a result of the advertisement process referred to in recommendation 3, these objections will be reported back to Cabinet for consideration.
5. That subject to no objections being received as referred to in 4 above, 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 / Operational Manager Financial Services to agree the appropriate terms and conditions for disposal of the parcel of land.
6. That the Council relies on Consent E of the General Consents for the Disposal of Houses and Land 1994 made under the Housing Act 1985 for the disposal in order to comply with the relevant legislative provisions and any statutory consents required.
7. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation to formalise any disposal subject to Recommendations 3-5 above.

## **Reasons for Recommendations**

1. To comply with the Council's Constitution
2. To ensure compliance with the relevant legislative provisions, any statutory consents required and Recommendations 3-5 above.
3. To ensure compliance with Section 123 (2A) of the Local Government Act 1972, the land being part of an open space.
4. In order that Cabinet may consider any objections received and to comply with the provisions of the Local Government Act 1972.
5. To allow for the land to be disposed on suitable terms and conditions.
6. To ensure compliance with the relevant legislative provisions and any statutory consents required.
7. To legally formalise the disposal of the land and to ensure compliance with statute and subject to Recommendations 3-5 above.

## **1. Background**

- 1.1** The Council owns various small parcels of land which border or adjoin existing, privately owned residential 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 the adjoining properties were previously Council owned and have now been purchased by the current or former owners under the Right to Buy Scheme.
- 1.2** The Council has disposed of various plots of surplus land using this process since 2016.

## **2. Key Issues for Consideration**

- 2.1** The Council has received an enquiry to buy a small piece of land on Barry Road, Barry, that 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 parcel of land is identified on the plan at Appendix A.
- 2.2** The Council can dispose of such land if it is no longer required for its operational purposes, it has been declared surplus to requirements and it has consent for the disposal.
- 2.3** 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 this parcel of land within the Council or the PSB. There has been no expression of interest from any of these parties in retaining this land. In addition, consultation has been carried out with the local Ward Member who has raised no objection to the land sale. The land is therefore considered surplus to the wider Council's requirements.
- 2.4** Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land that has not been developed and is held under Part II of the Housing Act 1985 with the Welsh Government's consent (see further Legal Implications below).
- 2.5** The land under consideration is open in character and accessible to the public. Therefore, it is deemed appropriated to give notice and advertise the intended disposal and consider any objections to it pursuant to section 123 (2A) Local Government Act 1972.
- 2.6** Access to the sub-station on Barry Road will not be compromised by the disposal of the land.
- 2.7** Subject to complying with the relevant legislative provisions and any statutory consents required, permission is now sought to dispose of the parcel of land. This will generate a receipt for the Council and reduce ongoing maintenance costs associated with retaining it.

- 2.8** It is proposed that the Council sells a freehold interest in any area of land subject to and on the basis that the purchaser pays the determined market value for the land. It is further proposed to 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. 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.
- 2.9** As stated above, the disposal will be subject to the Council receiving best consideration for the land and it will also be subject to the purchaser paying all the Council's costs in relation to the sale and complying with any other appropriate terms and conditions of sale the Council deems appropriate.

### **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 these small parcels 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 surplus assets should assist the Council in the reduction of its maintenance costs.
- 4.3 Agreement has been sought for the prospective purchaser 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.

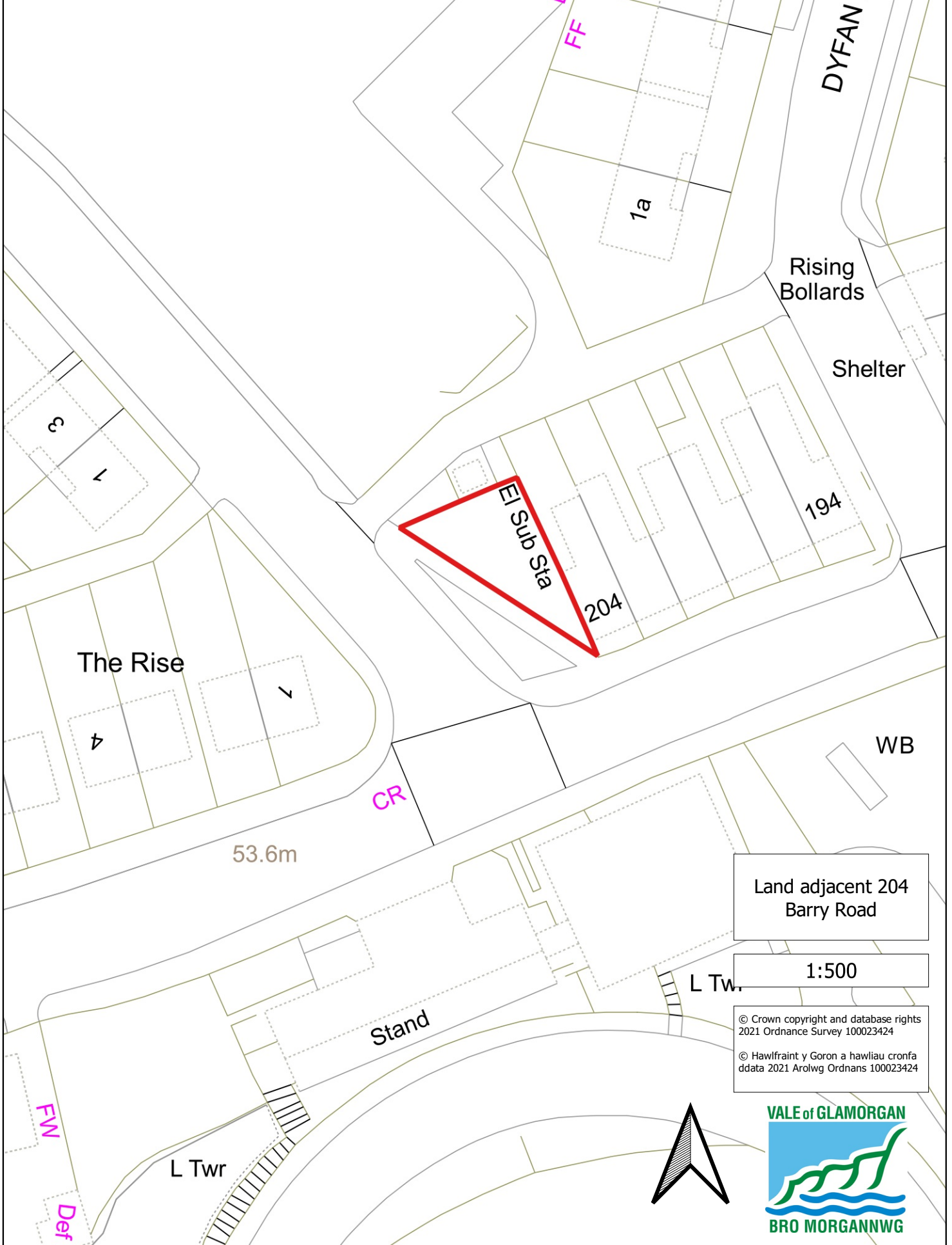
#### **Legal (Including Equalities)**

- 4.5 As stated above, Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land that has not been developed and is held under Part II of the Housing Act 1985 with the Welsh Government's consent.
- 4.6 The specific consent of Welsh Government is not required if the disposal is covered by the "General Consents for the Disposal of Houses and Land 1994" made under the Housing Act 1985.
- 4.7 The area of land identified in this report is considered surplus to Housing Department's operational requirements and the Council's wider requirements. Therefore, the area of land can be disposed of in accordance with Consent E of the 1994 General Consents, which permits disposal at a consideration determined by the Council where the land is to be used for a purpose incidental to the enjoyment of a dwelling-house.
- 4.8 In disposing of Part II land, 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. 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.
- 4.9 As also, stated above, the land in question is open in character and accessible to the public. Therefore, it is deemed appropriate to give notice and advertise the intended disposal pursuant to section 123 (2A) Local Government Act 1972.
- 4.10 Any objections received to the disposal of the land will be reported separately to Cabinet for consideration prior to any final decision being taken. If no objections are received the matter will be progressed as set out in the recommendations of this report
- 4.11 There are no equal opportunities implications arising from this report.

## **5. Background Papers**

None.

# Appendix A



Land adjacent 204  
Barry Road

1:500

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