



Colchester

Disposal of small parcels of housing land policy.

June 2019

Title	Disposal of small parcels of housing land policy
Users of Policy	Colchester Borough Council staff, Colchester Borough Homes staff
Date Adopted	03 July 2012
Date last Reviewed	June 2019
Review Frequency	Every 3 years
Best Before Date	May 2022
Scheme of Delegation	
Formation of Policy	Portfolio Holder(s) with delegated responsibility for all land and buildings owned by the Council in its capacity as Housing Authority (Housing Revenue Account land and buildings).
Amendments	Portfolio Holder(s) with delegated responsibility for all land and buildings owned by the Council in its capacity as Housing Authority (Housing Revenue Account land and buildings).
Monitoring	Housing Client Co-ordinator
Implementation	Housing Client Co-ordinator
Approval of requests	Portfolio Holder(s) with delegated responsibility all land and buildings owned by the Council in its capacity as Housing Authority (Housing Revenue Account land and buildings).

1. Aims of Policy

- 1.1 The aim of the Disposal of Small Parcels of Housing Land Policy is to set out Colchester Borough Council's approach to the sale of small parcels of land held by Housing; within the Housing Revenue Account to protect residents' interest in the Council's land assets and to ensure requests are dealt with in a fair and consistent manner.

2. Legislation and Guidance

- 2.1 Reference should be made to the Secretary of State's General Housing Consents 2013 – S32 of Housing Act 1985, in particular Part A. The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 -2013.

The consent states a local authority may dispose of land for a consideration equal to its market value, however this clause will not apply to the first 5 disposals in a financial year (commencing 1 April in any year) for local authorities with a housing revenue account.

- 2.2 The policy covers small areas of Housing Land identified by Estate Services as HRA land. It is not intended to cover areas of land with the potential for Social Housing Development. For the purposes of this policy an area of land will be considered to have the potential for social housing development if;
- a) the size, shape and area of the land would allow the development of one or more homes or
 - b) the land has the potential to open up an additional piece of land (i.e. a ransom strip), and the size, shape, area of the additional piece of land opened up would allow the development of one or more homes.

Any piece of land which it is felt could fall into one of the above categories will be referred to the appropriate Officer(s) for consideration. This may include garages or land on garage sites.

- 2.3 A procedural flow chart accompanies the Policy and should be referred to in conjunction with the Policy.

3. The Policy

- 3.1 Housing Land is regarded as public property and is not usually for sale to benefit private individuals. Applications from private individuals to buy land will normally be refused unless:
- There is a broader community benefit to the disposal, for example a rationalisation of small parcels of 'backland' open space, either rarely used or often misused.
 - There are management issues in relation to the parcel of land concerned – for example, they are difficult or very costly to maintain, there are issues regarding the use of the land for anti-social behaviour or community safety implications.
 - There are extenuating circumstances in relation to the applicant requesting the purchase of the land – for example, there are health grounds in relation to the applicant and the sale of the land would improve their quality of life and would not adversely affect the quality of life of others in the neighbourhood.

In all these cases evidence would be required to support and justify the application to buy.

- 3.2 Before any sale is approved the local community will be consulted on the proposal to dispose of the land. This will include consulting with immediate neighbours or communities including current tenants, Ward, Parish and Town Councillors.
- 3.3 The Council's strategic priorities and planning policies will also be considered, and a recommendation will only be made if the sale is not to the detriment of Council priorities or policies.
- 3.4 Where an application to purchase land meets one or more of the criteria specified in 3.1 and there are no reasonable grounds to refuse the sale arising from consultation, Officers will make a recommendation by way of a report to the Portfolio Holder(s) with delegated responsibility for the Financial Management of the Housing Revenue Account and the acquisition and disposal of land and buildings owned by the Council.
- 3.5 The report recommending the sale to the Portfolio Holder(s) will include the reasons for the disposal and any comments received through the consultation process. If no comments received from the consultation process this should be stated.
- 3.6 The Portfolio Holder(s) decision is open to the Council's 'Call in' procedure of any decision (except urgent decisions) taken by the Cabinet or by a Cabinet Member acting under delegated powers or a Key Decision taken by an Officer under delegated powers. Decisions that are 'Called in' will be considered by the Scrutiny Panel.
- 3.7 Dealing with enquiries and issues that arise with the sale of housing land can involve investigation, consultation and work with other departments for which the Council will incur costs. Administration charges will be made to cover the costs for dealing with requests relating to the sale of housing land.
- 3.8 The applicant assumes all responsibility for paying the Council's sale fees and to pay any charges associated with the change of use to the land.

4. Appeals Procedure

- 4.1 Appeals must be received within 28 days of the decision letter and will only be considered where additional information is provided to support the applicant's request to purchase or where there is a material change of circumstances. A different Officer will review the decision made taking into account any new supporting information provided by the applicant. The Reviewing Officer may consult with the Officer whom made the original decision.
- 4.2 Where an applicant is appealing against how the policy and procedure have been applied a Senior Officer will investigate the case and respond.
- 4.3 Portfolio Holder decisions are subject to the Council's 'Call in' procedure. This procedure is for Councillors wishing to challenge a decision made by a Portfolio Holder. Within 5 days of the decision being published at least 5 Councillors must sign in support of the decision being scrutinised by the Scrutiny Panel. The Panel may uphold the Portfolio Holders decision or where they do not confirm the decision they will refer it back to the Portfolio Holder for further consideration.

5. Service Standards

- Acknowledgement, including name and telephone number of the Officer dealing with the application – within 5 working days of receipt of all information and payment of administration fee.
- Outcome of Policy Test (if Refusal) – within 28 working days.
- Outcome of Full Consultation – within 7 working days of close of consultation.
- Preparation of Portfolio Holder Report – within 28 working days of close of consultation.
- Outcome of Portfolio Holders Decision – within 14 working days of the decision notice.
- Appeals Acknowledgement, including name and telephone number of Officer dealing with appeal – within 5 working days of receipt.
- Outcome of Appeal – within 28 working days.

6. Monitoring and Review

- 6.1 We will monitor our performance in meeting the Service Standards set out in this Policy.

- 6.2 Reviews will be conducted every 3 years to make sure the policy continues to be efficient and effective, whilst ensuring it still meets current legislation and the Council's Constitution.

7. Communicating the Policy to Staff

- 7.1 Staff involved in the implementation of the Policy will receive a copy of the policy and procedural flow chart.
- 7.2 The Council will provide sufficient training to enable staff to understand and comply with the Policy.
- 7.3 A copy of the Policy will be placed on the Councils website.
- 7.4 Any amendments to the Policy will be communicated, in a timely manner, to all staff involved in implementing the policy. Revised Policy documents will be circulated and placed on the Councils website.

8. Communicating the Policy to Customers

- 8.1 A fact-sheet providing details of the Policy will be available to customers who apply or make an enquiry. It will cover some of the most frequently asked questions regarding land sales. A copy will be placed on the Councils website.