



Disposal of small parcels of housing land policy.

August 2015

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	30 August 2015
Review Frequency	Every 3 years
Best Before Date	30 September 2018
Scheme of Delegation	
Formation of Policy	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.
Amendments	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.
Monitoring	Professional Support Unit
Implementation	Housing Client Co-Ordinator
Approval of requests	Portfolio Holder with delegated responsibility for the acquisition and disposal of land and buildings owned by the Council.

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 2005 – S32 of Housing Act, S25 of Local Government Act. In particular Section E. The General consent for the disposal of Part II land 2005 which states a local authority may dispose of any land held for the purposes of Part II for the best consideration that can reasonably be obtained, provided that any dwelling-house included in the disposal:
- a) is vacant,
 - b) will not be used as housing accommodation, and
 - c) will be demolished.
- 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 Housing Development Officer 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.

- 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 including current tenants, Parish and Ward 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 Holders 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 Holders 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 will be considered where additional information is provided to support the applicant's request to purchase or 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.
- 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.
- 6.3 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 Managers and 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 managers and 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 as well some frequently asked questions.