

**DUDLEY METROPOLITAN BOROUGH**

**BRIERLEY HILL AREA COMMITTEE**

**DATE 9<sup>th</sup> NOVEMBER 2004**

**REPORT OF THE DIRECTOR OF LAW AND PROPERTY**

**APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL**

1. PURPOSE

- 1.1 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.

2. BACKGROUND

- 2.1 The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various departments.
- 2.2 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 departments before preparing a report for Committee to consider.
- 2.3 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.

3. PROPOSAL

- 3.1 The proposal is set out at the end of each report in the appendices.

4. FINANCE

- 4.1 In general terms, easement and access agreements each generate a capital receipt for the Council. The sale of the land generates a capital receipt for 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.

5. LAW

- 5.1 Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.
- 5.2 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.
- 5.3 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.
- 5.4 Section 32 and 34 of the Housing Act, 1985 and the General Consents for the disposal of Houses and Land, 1994, enable the Council to let and dispose of land and buildings held for housing purposes at the best price reasonably obtainable.
- 5.5 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.
- 5.6 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.
6. EQUAL OPPORTUNITIES
  - 6.1 The proposals take into account the Council's equal opportunities policies.
7. RECOMMENDATION
  - 7.1 That the proposals contained in each of the attached appendices be approved.
8. BACKGROUND PAPERS
  - 8.1 See individual appendices.

DIRECTOR OF LAW AND PROPERTY

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